

**TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES
JANUARY 6, 2009**

**TOWN OF BIG FLATS
COMMUNITY CENTER
6:30PM**

MEMBERS PRESENT: Lance Muir, Chair, Lee Younge, Carl Masler, Jim Ormiston, Scott Esty, Bill Stewart, Angela Piersimoni

ABSENT: None

STAFF: Stephen Polzella, Director of Planning, Tom Dobrydney, Planner, Brenda Belmonte, Secretary

GUESTS: MaryAnn Balland, Arthur Bill, Bob Byland, Dave Young, Mark Mancini, Ron Panosian, Zahid Asgher, Tayyaga Asgher, Atty Richard Woodhouse, Ron Johanson, Don Gaylord, Lorelee Mattison, Dick Mattison

Chair Muir called the meeting to order at 6:30pm noting all members were present, and thanking Angela Piersimoni for a job well done as Chairperson last year.

MINUTES

December 4, 2008

Motion by Ormiston, seconded by Esty, to approve the minutes of December 4, 2008, Discussion, None, Motion Carries 7-0.

REPORTS

Polzella reported on the following ongoing projects:

Hampton Inn – Work will resume in the spring.

Simmons Rockwell – Applicant will be submitting an amendment.

Demets - Have received a temporary C of O for a future job fair, and will soon be installing the assembly line.

Zoning Amendment – The amendment involving Reynolds Drive Ext. and Eachers Hollow was approved and is now zoned R1.

The Town of Big Flats update meeting with Behan is scheduled for early February. Two stakeholder meetings will also be held at that time. Details to follow.

Amended rules of procedure will be emailed to the planning board for review and will be voted on next month.

**RESOLUTION P-2009-1
Frank Reynolds Subdivision**

Tax Parcel 56.00-1-46.111

Resolution by: Esty
Seconded by: Piersimoni

WHEREAS, this Board has received an application for subdivision review on December 8, 2008; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for February 3, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, December 30th, 2008, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Muir, Younge, Stewart and Masler
NAYS: None

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Stewart asked if the applicant would be required to submit a drainage plan.

Muir replied that the basic construction standards would include a drainage plan.

Public Hearing will be set for February 3, 2009.

RESOLUTION P-2009-2

Hurley Site Plan

Tax Parcel 48.01-1-11

Resolution by: Esty
Seconded by: Younge

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on December 16, 2009; and

WHEREAS, the Town of Big Flats Zoning Law permits a storage facility in the Rural (RU) Zoning District with site plan approval; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board has decided to undertake an uncoordinated review; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, made via written memoranda to the Planning Board in a staff report dated December 30th, 2009 (which memoranda are incorporated herein by reference and commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan indicated dated December 16, 2008 as a final plan with no conditions.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Muir, Younge, Stewart and Masler

NAYS: None

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Muir explained that the existing building would be used for storage of antique autos and parts. Applicant is required to provide updated information on the existing septic.

Candlewood Inn Concept

Several concerns are noted in the staff report; outstanding items include layout, utility access, lighting, signage and a stormwater plan. SEQR will be completed once these additional items are received. Planning board comments will be added to the staff report and given to the applicant.

Muir mentioned there may be some traffic flow issues with The Outback.

Esty questioned why lot coverage was not addressed in the staff report.

Dobrydney said the applicant had not yet calculated lot coverage, however that information will be required.

Esty, referring to the proposed 104 parking spaces, asked what is required per town code.

Dobrydney stated one space is required per room plus one for every four employees.

Piersimoni questioned the variances granted in 2002; are they still applicable?

Polzella said yes, the variance stays with the property.

RESOLUTION P-2009-3

Amish Workshop

Tax Parcel 66.02-2-62

Resolution by: Younge

Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board has determined the site plan approval dated May 24, 2005 has not been adhered to; and

WHEREAS, the Town of Big Flats Planning Staff has requested, in writing, a site plan amendment be filed; and

WHEREAS, Mr. Arthur J. Bill filed a site plan application on December 1, 2008; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary site plan at its regular meeting January 6, 2009; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board, based on submitted materials and with consent of the applicant, tables the action pending the following:

- Submission of detailed site plan, identifying the specific location of items for sale.

CARRIED: AYES: Esty, Ormiston, Muir, Younge, and Masler

NAYS: Piersimoni and Stewart

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Arthur Bill, applicant, was asked how much actual paintwork he does on site.

Bill said he does not have any refurbishing material on site. When asked about proposed signage, Bill stated he hopes to put a small sign on the front of the house.

Muir commented on the need to stay off the easements and suggested a more creative way of displaying the items; perhaps arranging furniture around the sheds.

Polzella stated that, unless authorized otherwise, current code requires all permitted uses in this district to be conducted within buildings. However, this is an existing business and with cooperation from the applicant this board may be more likely to grant the outdoor storage.

Esty is concerned about the look of items spread out on the lawn.

Younge is also concerned, saying this is a welcoming area to the community and should look nice.

Muir said that is the reason we are asking for a more aesthetically pleasing arrangement.

Stewart agreed saying he feels that changing the aesthetics would help the applicant's business as well as help the town.

The applicant explained that customers have a difficult time finding the business location when no items are displayed on the lawn. He would be happy to arrange the items as suggested.

Stewart feels there is no incentive to keep this property maintained other than the business itself. Could we place a term of one or two years and review it again at the end of that term?

Polzella said we could require the applicant to maintain the property per site plan.

Muir stated this area is the key four corners of town and is very visible. How do we make sure it is being properly maintained?

Polzella said it is an existing business and the applicant is willing to work with the town. A creative display could bring him, as well as the town, business.

Esty commented that most businesses are required to put furniture inside their buildings. If that was not a requirement Lowes could potentially set their lawn furniture alongside Route 64.

Stewart disagreed, saying this is a specialty business that needs the display to survive.

RESOLUTION P-2009-4
Cottages at Retirement Estates – Side Setback
Tax Parcel 48.03-2-15.262

Resolution by: Esty
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a "Side Setback" variance on January 6, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation of denial.

CARRIED: AYES: Esty, Ormiston, Muir, Younge, Piersimoni, Stewart and Masler
NAYS: None

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Muir noted that each of the five variance requests have been reviewed in the staff report.

Polzella gave a brief explanation of each variance request noting this is only the concept phase.

The board reviewed each request in order to recommend acceptance or denial to the ZBA:

Dave Young and Mark Mancini presented illustrations while addressing each variance.

Side Setback – Requirement is 15 feet, proposal is 8 ft.

The applicant feels this would provide a closer community effect. The proposed buildings will not be as large as in the original development thereby creating a ‘mini community’.

Dave Young commented on the NYS requirement of only 5 ft.

Muir noted that local law can be, and is in this instance, more stringent than state law and requires a 15-ft side setback.

Esty feels the size of the request is fairly significant.

Polzella reminded the board that the significance of the request is only one criterion for the variance. The ZBA will look at all of the criteria to make their determination.

RESOLUTION P-2009-5

Cottages at Retirement Estates – Lot Width

Tax Parcel 48.03-2-15.262

Resolution by: Younge

Seconded by: Esty

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Lot Width” variance on January 6, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation of denial.

CARRIED: AYES: Esty, Ormiston, Younge and Masler

NAYS: Stewart, Muir, Piersimoni

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir

Discussion:

Lot width – Requirement is 50ft, proposal is 44 ft.

Dave Young explained that the building envelope would be the same as in the original development; this request refers to the side yards on the plan.

RESOLUTION P-2009-6
Cottages at Retirement Estates – Lot Size
Tax Parcel 48.03-2-15.262

Resolution by: Stewart

Seconded by: Younge

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Lot Width” variance on January 6, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation.

CARRIED: AYES: Stewart, Muir, Piersimoni, Ormiston and Younge
NAYS: Esty and Masler

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Lot size – Requirement is 7000 sq ft, proposal is 5148 sq ft.

Muir feels this is a rather significant decrease in total lot size. If the common green area was removed it would increase the lot length, thereby addressing this requirement.

Younge feels the common green area is good for the residents as they would not be responsible for maintaining it.

Mancini said the entire concept is to provide economically feasible housing for the elderly.

RESOLUTION P-2009-7
Cottages at Retirement Estates – Habitable Area
Tax Parcel 48.03-2-15.262

Resolution by: Stewart

Seconded by: Masler

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Lot Width” variance on January 6, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation.

CARRIED: AYES: Stewart, Muir, Piersimoni and Masler

NAYS: Esty Younge, and Ormiston

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Habitable Area – Requirement is a minimum of 1200sq ft., proposal is for 835 to 1185 sq ft. Muir feels if all of the buildings were proposed at 1185 sq ft perhaps it would not be as much of an issue.

Mancini explained he is trying to offer smaller more affordable options to residents.

Polzella said the ZBA would make a decision on the square footage. The planning board can forward any comments with their recommendation to approve, including the minimum size.

RESOLUTION P-2009-8

Cottages at Retirement Estates –Buffer Yard

Tax Parcel 48.03-2-15.262

Resolution by: Esty

Seconded by: Younge

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Lot Width” variance on January 6, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a recommendation for denial.

CARRIED: AYES: Ormiston, Muir, Younge and Esty

NAYS: Masler, Piersimoni, Stewart

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Buffer – Required buffer is 100ft, proposal is 78ft.

Lee Younge questioned if this area was in two different zones, and if so, what would be required as a buffer and/or transition yard?

Polzella stated that transition yard does not apply to the PMRD, and read the code requirements pertaining to that.

Esty's concern is for the adjoining residents in the R1 district who have a certain standard of homes.

RESOLUTION P-2009-9

Johanson Subdivision

Tax Parcel 67.02-1-8

Resolution by: Stewart

Seconded by: Muir

WHEREAS, this Board has received an application for subdivision review on November 19, 2008; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for February 3, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, December 30th, 2008, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Esty, Ormiston, Piersimoni, Muir, Younge, Stewart and Masler

NAYS: None

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Due to the subdivision location (Ridgeline Overlay District) and the applicant's future building plans, Muir read the Big Flats Zoning Law pertaining to the RLO.

Staff feels that this submission could proceed to the public hearing phase on February 3, 2009, along with a SEQR review on the subdivision. The lot can be created, but the house cannot be built without the Ridgeline Overlay application.

Muir noted that there are some concerns with the slope and stormwater runoff. The exact location of the driveway and the house will need to be confirmed. A shared driveway agreement must be submitted before this could be finalized.

Discussion; Esty questioned the impact of water runoff to the adjacent properties.

Polzella said there are swales as well as two proposed ponds. Staff is satisfied with this plan in concept. The applicant cannot disturb more than one acre.

Stewart said the road alone would be more than one acre.

Polzella replied that the SWPPP would be applied to the entire Ridgeline Overlay development, not to the actual subdivision.

A public hearing on the subdivision will be scheduled for February 3, 2009.

RESOLUTION P-2009-10

Johanson RLO Site Plan

Tax Parcel 67.02-1-8

Resolution by: Younge

Seconded by: Stewart

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on July 24, 2008; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary site plan at its regular meeting January 6, 2009; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board, based on submitted materials and with consent of the applicant, tables the action pending the following:

- Submission of detailed visual impact documentation

CARRIED: AYES: Esty, Ormiston, Muir, Younge, Masler, Piersimoni and Stewart

NAYS: None

Dated: Tuesday, January 6, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

This application also requires a special permit. Also, the proposed 'in-law' apartment is not permitted as an accessory use in this district. A more detailed site plan showing the location of items such as the septic system will be needed. Staff would like more information regarding what is to be cleared to limit the visibility of the proposed structure. A model was presented based on the topography and line of sight showing areas where the project would be visible from. Houses and trees would skew down these results somewhat. Johanson has a thick patch of evergreens, however you can see his property from several of the locations noted on the view shed model.

Polzella stated that they are not experts in visual impact. Based on the evidence it is hard to make a determination that this is not going to make a big visual impact. Any vegetation removed would add to the visibility.

Muir reviewed the staff report pertaining to tree cutting, lighting, and landscaping. Utility lines would be underground.

Polzella explained that the applicant would like to be considered for a complete waiver from all of the Ridgeline Overlay District requirements. Staff does not recommend complete waiver, however some individual requirements could be waived.

Stewart asked what the board's goal was at tonight's meeting.

Polzella said the board needs to determine what items will be required by the applicants.

Muir reiterated that the applicant is looking for a waiver on all requirements.

Johanson explained he is building a house for privacy, not for views of the airport. He then asked about proposing to build at 1084 ft. If he were to do that, would he still be in the Ridgeline Overlay District?

Polzella explained that if any section of a parcel is in the Ridgeline Overlay District, the entire parcel is considered to be in it.

Johanson said the trees are 80ft tall – what can he do to convince the board that his house would not be a visual impact without spending an exorbitant amount of money?

Esty feels perhaps the board should visit the site to see what it looks like.

Polzella said that without the lot cleared it is hard to visualize. The RLO is not designed to prohibit the applicant from building but to mitigate what is required. Polzella stated that he and Dobrydney would not be comfortable making a decision without the applicant or the board hiring a landscape architect.

Stewart asked about the tree cover if the house was built at 1080ft.

Johnanson replied there would be 100% tree cover.

Stewart feels it would be easier to give approval at 1080ft. He would be willing to waive the Ridgeline requirements at that height.

Byland stated this is a fairly new district and we are looking for how we should evaluate the requirements. He would like to see the colors, the lighting and how it would be controlled.

Muir suggested the applicant take the staff report to address the required items as best he can.

Polzella said staff has done as full a review as possible to determine what would be required of the applicant.

Muir feels the board does not have enough information to waive any of the requirements.

RESOLUTION P-2009-11
Extend Meeting

Resolution by: Younge
Seconded by: Piersimoni

WHEREAS, Town of Big Flats Rules of Procedures states that no meeting shall continue past 9:30 PM EST unless extended by resolution; and

WHEREAS, the Town of Big Flats Planning Board has met and held discussions with many applicants and feel that all on the agenda shall be given fair time; and

NOW, THEREFORE BE IT RESOLVED, to extend the January 6, 2009 meeting to 9:45 PM EST.

CARRIED: AYES: Stewart, Muir, Piersimoni, Ormiston, Esty, Masler and Younge
NAYS: None

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-12
Asgher RLO Site Plan
Tax Parcel 67.04-2-20

Resolution by: Stewart
Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Site Plan approval on December 19, 2008; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting January 6, 2009; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board, based on

submitted materials has determined the project will not have a significant visual impact and the need for review by a registered landscape architect be waived, and

FURTHER RESOLVED, the Town of Big Flats Planning Board, based on submitted materials and with consent of the applicant, tables the site plan pending the following:

- Compliance with outstanding submission requirements as outlined in the December 30, 2008 Staff Report.

CARRIED: AYES: Ormiston, Muir, Masler and Stewart
NAYS: Esty, Younge, and Piersimoni

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

The applicant is also requesting a height variance since the house is proposed at 38ft.

Muir noted that the same view shed map has been prepared for this property as with the Johanson property. The proposed building would be located below the 1100ft requirement of the RLO. It is currently an approved subdivision and the expectations are that new homes would be built on these lots. Lorelee Mattison, of Land Construction, referred to the visual impact and said the building would be seen from the airport as well as from Route 17. It would not be seen from any other points listed on the view shed model.

Attorney Woodhouse, representing the applicant, said this particular lot is 660 ft deep and the proposal is to build at the very front of it. It is 1000 ft below Halderman Hollow Rd. Woodhouse feels that any suggestion that they are near a ridgeline is farfetched. It is difficult from Route 17 to see even the rooftops of the homes in that area. It is very heavily wooded and the applicants intend to keep it that way. The intent is to build below the 1100ft and in his opinion it would not be a visual impact. Woodhouse referred to the samples of stone and siding to be used saying it would be designed to blend in with the surrounding atmosphere. This part of ThornBriar Estates which was approved in 1987.

Muir explained that the houses referred to by Woodhouse were built previous to the RLO and its requirements.

Woodhouse reiterated that he believes this parcel is well below any ridgelines. Full compliance would set the applicant back several months and would cost several thousand dollars.

Muir stated that, unfortunately, the total property is considered to be in the ridgeline, therefore the regulations apply as though it is in the RLO.

The applicant will be presented with a copy of the staff report noting the key points to be addressed. Asgher said his goal is to build a house to totally blend in. He has no intention of creating a structure with a negative visual impact.

Polzella said the applicants have supplied some SWPPP information. They are clearly building below the 1100ft and have consciously moved the location per our request. There is also a

landscaping plan, and a lighting plan. Staff would be comfortable sending this to a design architect for review.

Esty inquired as to what the applicant was asking to be waived.

Polzella stated the waiver request refers to a landscape architect and the height variance. Again, staff is uncomfortable with making the decision. A consultant should be hired by the board or by the applicant.

Masler questions the need for a consultant due to the location and proposed colors. He referred to the extent of the delay and the expense that would be involved.

RESOLUTION P-2009-13
Asgher RLO Site Plan Waiver
Tax Parcel 67.04-2-20

Resolution by: Stewart
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Site Plan approval on December 19, 2008; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting January 6, 2009; and

- **NOW THEREFORE BE IT RESOLVED**, the Town of Big Flats Planning Board, based on submitted materials has determined the project's landscaping plan, lighting plan and site plan will not need to be designed by a licensed architect and waives that requirement.

CARRIED: AYES: Ormiston, Muir, Masler and Stewart
NAYS: Esty, Younge, and Piersimoni

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-14
Extend Meeting

Resolution by: Younge
Seconded by: Piersimoni

WHEREAS, Town of Big Flats Rules of Procedures states that no meeting shall continue past 9:30 PM EST unless extended by resolution; and

WHEREAS, the Town of Big Flats Planning Board has met and held discussions with many applicants and feel that all on the agenda shall be given fair time; and

NOW, THEREFORE BE IT RESOLVED, to extend the January 6, 2009 meeting to 9:50 PM

EST.

CARRIED: AYES: Stewart, Muir, Piersimoni, Ormiston, Esty, Masler and Younge
NAYS: None

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-15
Asgher Variance Referral
Tax Parcel 67.04-2-20

Resolution by: Stewart
Seconded by: Masler

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Building Height” variance on January 6, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with a favorable recommendation.

CARRIED: AYES: Stewart, Muir, Piersimoni, Ormiston, Esty, Masler and Younge
NAYS: None

Dated: Tuesday, January 6, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Members Comments

Stewart will submit a letter to the Town Supervisor stepping down to the alternate position due to the time he spends out of town for employment.

Motion by Stewart, seconded by Younge to adjourn at 9:47pm, Discussion, None, Motion Carries 7-0.

Meeting adjourned at 9:48pm

**TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES
FEBRUARY 3, 2009**

**PLANNING BOARD MEETING
TOWN OF BIG FLATS
COURT ROOM
6:30PM**

MEMBERS PRESENT: Scott Esty, Lance Muir, Lee Younge, Bob Byland, Tom Dobrydney, Carl Masler

MEMBERS ABSENT: Bill Stewart, Angela Piersimoni, Jim Ormiston

STAFF PRESENT: Stephen J. Polzella, Director of Planning, Thomas Dobrydney, Planner, Brenda Belmonte, Secretary

GUESTS: Zahid Agher, Tayyaba Asgher, Norman Theetge, Jr. Harold Novitsky, Don Gaylord, Frank Reynolds, Marcia Hudock, Lorelee Mattison, Dick Mattison, David Lubin

Chair Muir called the meeting to order at 6:30pm noting members Bill Stewart, Angela Piersimoni, and Jim Ormiston were absent.

MINUTES

January 6, 2009

Motion to approve the minutes of January 6, 2009, as amended, by Esty, seconded by Byland,

Discussion:

Page 3, Hurley Resolution; remove septic approval as it only applies to non-conforming lots, not structures.
Page 10, Asgher Site Plan, change 'not less' than an acre to 'not more' than an acre.

Motion Carries 5-0.

**PUBLIC HEARING
FRANK REYNOLDS SUBDIVISION
TAX PARCEL 56.00-1-46.111**

Chair Muir opened the Public Hearing at 6:31pm, noting it was duly published in the Star Gazette.

Speaking For:

None

Speaking Against:

None

Public Hearing closed at 6:32pm.

**PUBLIC HEARING
JOHANSON SUBDIVISION
TAX PARCEL 67.02-1-8**

Chair opened the Public Hearing at 6:33pm, noting it was duly published in the Star Gazette.

Speaking For:
None

Speaking Against:
Harold Novitsky, 676 County Rte 64 - Novitsky suggested the board look at the property. He feels there is a lot of devastation due to clear cutting.

Polzella said the clear cutting has happened over a number of years.

Muir noted that there are 60 to 80 foot trees on the lot, which will help with the visual impact.

Public Hearing closed at 6:34pm

OLD BUSINESS

**RESOLUTION P-2009-16
Frank Reynolds Subdivision
Tax Parcel 56.00-1-46.111**

Resolution by: Esty
Seconded by: Younge

WHEREAS, this Board has received an application for subdivision review on December 8, 2008; and

WHEREAS, this Board conducted a Public Hearing on the Preliminary Plat on February 3, 2009; and

WHEREAS, the following are finding of fact:

- A. The Subdivision Drawing, dated June 13, 2008, is generally complete and technically adequate
- B. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- C. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will be safe and convenient for travel
- D. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- E. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issued a Negative Declaration on January 6, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement
- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- D. The applicant shall provide documentation from the local Fire Department to confirm the driveway location is adequate
- E. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

WHEREAS, the following are terms prior to obtaining a building permit:

- A. Three (3) complete copies of the endorsed and recorded subdivision plans and one (1) certified copy of the following documents: recorded subdivision approval, individual septic approval, driveway access permit from the appropriate Public Works agency, and any other documentation needed by the Building and Code Department
- B. A plot plan for the lot in question must be submitted, which includes all of the following:
 - a. location of the structure
 - b. location of the driveways
 - c. location of the septic systems
 - d. location of all water and sewer lines
 - e. location of wetlands and any site improvements require
 - f. any grading called for on the lot
 - g. all required zoning setbacks
 - h. Location of any drainage, utility and other easements
- C. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- D. Lot numbers, visible from the roadways must be posted on all lots
- E. The proposed private drive must be in place

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings and be visible from the road
- C. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- D. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions

WHEREAS, the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Planning Board
- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board

WHEREAS, the following are terms prior to any site work:

- A. Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches

WHEREAS, the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays

NOW, BE IT THEREFORE RESOLVED, to grant preliminary/final conditional subdivision approval to Frank B. Reynolds, 41 Reynolds Dr, Horseheads, NY 14845.

CARRIED: AYES: Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

RESOLUTION P-2009-17
Johanson Subdivision
Tax Parcel 67.02-1-8

Resolution by: Byland
 Seconded by: Esty

WHEREAS, this Board has received an application for subdivision review on November 19, 2008; and

WHEREAS, this Board conducted a Public Hearing on the Preliminary Plat on February 3, 2009; and

WHEREAS, the following are finding of fact:

- F. The Subdivision Drawing, dated May 27, 2008 and Revised November 24, 2008, is generally complete and technically adequate
- G. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- H. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will be safe and convenient for travel
- I. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- J. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issued a Negative Declaration on January 6, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- F. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning
- G. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement
- H. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- I. The applicant shall provide documentation from the local Fire Department to confirm the driveway location is adequate
- J. The applicant shall provide the Director of Planning with a signed Shared Driveway agreement.
- K. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

WHEREAS, the following are terms prior to obtaining a building permit:

- F. Three (3) complete copies of the endorsed and recorded subdivision plans and one (1) certified copy of the following documents: recorded subdivision approval, individual septic approval, driveway access permit from the appropriate Public Works agency, and any other documentation needed by the Building and Code Department
- G. Ridgeline Overlay District Special Permit and Site Plan Approval
- H. A plot plan for the lot in question must be submitted, which includes all of the following:
 - a. location of the structure
 - b. location of the driveways
 - c. location of the septic systems
 - d. location of all water and sewer lines
 - e. location of wetlands and any site improvements require
 - f. any grading called for on the lot

- g. all required zoning setbacks
- h. Location of any drainage, utility and other easements
- I. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- J. Lot numbers, visible from the roadways must be posted on all lots
- K. The proposed private drive must be in place

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- E. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- F. Permanent house numbers must be posted on dwellings and be visible from the road
- G. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- H. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions

WHEREAS, the following are general conditions for the project:

- F. There shall be no burying or dumping of construction material on site
- G. The location of any stump dumps on site must be pre-approved by the Planning Board
- H. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- I. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- J. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board

WHEREAS, the following are terms prior to any site work:

- C. Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- D. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches

WHEREAS, the following are terms throughout and during construction:

- C. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- D. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays

NOW, BE IT THEREFORE RESOLVED, to grant preliminary/final conditional subdivision approval to Ronald J. and Danielle M. Johanson, 465 W. Gray St., Elmira, NY 14905.

CARRIED: **AYES:** Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-18
Johanson RLO Site Plan Waiver
Tax Parcel 67.04-2-20

Resolution by: Younge
Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Site Plan approval on November 19, 2008; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting February 3, 2009; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board, based on submitted materials has determined the project's landscaping plan, lighting plan and site plan will not need to be designed by a licensed architect and waives that requirement and has determined the project will not have a significant environmental impact; and

FURTHER RESOLVED, the Town of Big Flats Planning Board, based on submitted materials and with consent of the applicant, tables the site plan pending the following:

- Compliance with outstanding submission requirements as outlined in the January 27, 2009 Staff Report.

CARRIED: **AYES:** Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

DISCUSSION:

Polzella, Muir, and Dobrydney visited the site. Anyone else who would like to see it, please contact staff. This application needs to go to the county for review. Staff recommends waiving the architectural requirements and approving the preliminary site plan.

Esty questioned the applicant's statement that the project would not be complete until 2010.

Polzella said Johanson would be requesting a three-year extension

RESOLUTION P-2009-19 Asgher RLO Development Tax Parcel 67.04-2-20

Resolution by: Masler

Seconded by: Younge

WHEREAS, this Board has received an application for Site Plan review, area variance requested and an RLO Special Permit on December 19, 2008; and

WHEREAS, the following are finding of fact:

- K. The applicant intends to construct a ~5,000 Square foot home
- L. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- M. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- N. The Planning Board has determined the proposed project was "not to create a significant visual impact" (RESOLUTION P-2009-12)
- O. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- P. The applicant has sited the principal structure 94 ft. from the front lot line, with a curved drive and the septic system between such structure and the front lot line
- Q. The exact location of the proposed project is below 1,100 ft. elevation, therefore should not be located along or projecting above the ridge
- R. The Chemung County Department of Health has approved a plan for septic in front of the house
- S. The proposed project, as submitted, is to possess a structure with a maximum height of 38 ft. when measured to the top of the roof, an Area Variance was granted by the Zoning Board of Appeals of the Town of Big Flats (RESOLUTION ZBA-1-2009)
- T. The structure is to be located slightly off-center to the west, allowing the structure to be located below 1,100 ft. elevation
- U. The applicant has submitted their application during the fall and winter therefore allowing for the visibility to be measured during a time of limited to no leaves
- V. A professional landscape architect has been hired to assist with blending the house into the hillside
- W. Earth tone colors will be utilized as shown on the "color scheme" (received date of January 16th, 2009) to blend the house into the natural wooded setting. Teak colored shingles, beige colored siding and earth tone cultural stone mimicking the various colors of tree bark will be utilized. The stone colors are natural to the surrounding area

- X. The applicant has indicated that very little clearing will be done above 1,100 ft. elevation
- Y. The applicant has indicated that only 50 ft. will be cleared around the house, and also around the septic system will need to be cleared
- Z. Applicant has included a basic landscaping plan illustrating the proposed area to be cleared for the house and septic... ~50 ft around the house and septic and the rest is to remain wooded. Such plan also states that in the front yard that all of the large trees will be kept, and only the saplings and brush will be cleared
- AA. A buffer area has been created to add additional vegetation to the area between the driveway and the road
- BB. Landscaping survivability is assured by contract for 1 year
- CC. A landscaping plan has been supplied, drawn by Davis Landscaping
- DD. Proposed project appears to be cutting perhaps slightly more than a ¼ acre, but it does not appear to be excessive in nature
- EE. Proposed project appears to be cutting perhaps slightly more than a ¼ acre, but it does not appear to be excessive in nature
- FF. Clear cutting guidelines will be followed above the 1,100 ft. elevation
- GG. Every effort possible will be made to maintain all of the healthy mature trees when installing the proper drainage to protect the house
- HH. The applicant desires to maintain a wooded environment surrounding the house. The front yard will have all of the saplings and under brush removed. Trees within safe distance from the septic system will be preserved
- II. Tree cutting will be limited whenever possible
- JJ. Light levels at any lot line will not exceed 0.20 foot-candle measured at ground level
- KK. All outdoor light sources mounted on poles, buildings or trees will utilize fully shielded cut-off light fixtures approved by the International Dark Sky Association
- LL. Parking for the proposed project is in the side yard
- MM. The proposed structure has a three-car side load garage where the owner's vehicles will be parked. Ample parking for visitors will be located behind a landscaped 7 ft. stone half wall
- NN. The applicant has sited the location of the proposed structure to bring the structure as low as possible on the site
- OO. The proposed project includes a curved driveway
- PP. The applicant is proposing to clear the vegetation between the driveway and the road, such clearing may be necessary to allow for the construction of said driveway
- QQ. The proposed project will not protrude above the ridgeline
- RR. The utility lines will be underground from the pole at the road
- SS. The applicant will replace the vegetation to be removed for the driveway construction with a berm of new landscaping
- TT. Proposed project does not include a subdivision
- UU. The estimated square footage of the proposed structure is below 7,500 sq. ft.
- VV. The amount of impervious surface should not be in excess of 20%, rough estimates place it at 7 to 8%
- WW. Applicant has supplied the height of the structure to the top of the roof peak
- XX. The applicant has included a Soil Erosion Plan with their submitted material
- YY. Such plan calls for a diversion ditch to be installed running North-South starting from behind the house and running to the road so as to divert stormwater away from the proposed structure. The diversion ditch will have a riprap protected outlet where the ditch is to intersect the roadside ditch

- ZZ. The plan calls for roughly 200 linear ft. of silt fence to be installed on the North end of the parcel during construction
- AAA. A min. of 50 linear ft. of stabilized construction entrance will be installed
- BBB. The plan includes an Erosion and Sediment Protection Construction Sequence; and

WHEREAS, the following are terms prior to endorsement of the final plat:

- L. The applicant shall submit copies of the Site Plan to the Director of Planning; and

WHEREAS, the following are terms prior to obtaining a building permit:

- L. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- M. Lot numbers, visible from the roadways must be posted on all lots
- N. The proposed drive must be in place; and

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- I. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- J. Permanent house numbers must be posted on dwellings and be visible from the road
- K. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- L. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions; and

WHEREAS, the following are general conditions for the project:

- K. There shall be no burying or dumping of construction material on site
- L. The location of any stump dumps on site must be pre-approved by the Planning Board
- M. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- N. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- O. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board; and

WHEREAS, the following are terms prior to any site work:

- E. Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- F. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches; and

WHEREAS, the following are terms throughout and during construction:

- E. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- F. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, January 27th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action; and

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, the Town of Big Flats Planning Board grants the Ridgeline Overlay District Special Permit. Also this Board finds all items in order to grant Preliminary and Final Site Plan approval with the following conditions:

- Any future structures shall be placed so as to limit their visual impact on the views to the greatest extent possible and in accordance with 17.32.160
- Any future structures shall blend in with the natural surroundings through preferred use of stone and/or natural wood siding and/or color
- Any future development of the site will preserve, to the maximum extent practicable, the existing vegetation
- Planned landscaping shall be preserved and maintained for a minimum of 3 (three) years after said landscaping is planted. This condition is in-place of a bond to ensure landscape survivability
- Future tree cuttings will be limited to less than one-fourth of an acre of contiguous area
- "Full cutoff light fixtures" will be utilized for all future outdoor lighting on said property

CARRIED: AYES: Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Staff recommends preliminary and final conditional site plan approval, with the eight conditions listed in the staff report. Polzella said the board should decide on the amount of time for planned landscaping in place of a bond. The applicant already has a one-year guarantee from the contractor.

Younge asked how much landscaping was proposed.

Polzella answered there is a substantial amount for privacy along with the initial clearing. The landscaping plan was previously submitted.

Byland questioned the size of the plants.

Harold Novitsky, contractor for the applicant, said between three and five year old trees, (5 to 8ft tall), depending on what type they are. They are completely guaranteed for one year. Smaller plants will be from one to five gallon pots.

Polzella presented an updated area map, stating the house has been flipped and the driveway moved in a different direction.

Esty commented that the noted conditions are already a part of the law.

Polzella replied yes, however it should be in the resolution so that the applicant is aware of them.

Esty asked how much land is being cleared.

Dick Mattison, of Land Construction, stated that under an acre would be cleared.

NEW BUSINESS

RESOLUTION P-2009-20 Kucko Variance Referral Tax Parcel # 66.02-2-31.32

Resolution by: Byland
Seconded by: Younge

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a "Front Setback" variance on February 3, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation to consider any reasonable conditions to the variance including attaching the variance to the structure or the area of the structure.

CARRIED: AYES: Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Muir explained that the board is looking at this strictly as referral to the ZBA with the opportunity to refer with or without comments.

Polzella, referring to a drawing showing the proposed setback, stated a concern that the buildable area would extend right to the line at the edge of the roadway. If granted, perhaps the board should recommend a condition that the relief is on the existing footprint only.

Byland said rather than the footprint, should we suggest it apply to the existing structure?

Polzella stated it would depend on what may happen in the future. Recommending it be only on the structure would be getting away from the legal intent. The variance applies to the land. Further discussion would be held at the site plan application review.

Muir commented on a conversation with Tom Reed, town attorney; if the building is no longer there, the new building could not be the entire width (up to the road). Any new applicant could do nothing more than what currently exists. That is why the variance would refer to the footprint.

Polzella agreed, saying it addresses the space of land, not the building. Staff feels that would be a reasonable decision, and would be upheld in accordance with the law. He does not feel that the structure would be upheld.

Esty stated that the only reason we are considering these variances is the applicant wants to expand to a secondary use.

Polzella said even if it stayed as the Dairy Barn, and the applicant wanted to do improvements, it would fall under the 50% of the assessed value.

Masler is not in favor of having a 0% setback there.

Esty would like to check further into limiting this to the existing structure instead of the footprint.

Polzella said that would be for the ZBA to decide.

Byland also would recommend that the ZBA limit this to the structure.

Polzella explained that staff has done extensive research and he does not recall structure being addressed, only footprint. It has nothing to do with the structure.

Byland feels it would be clearer if the decision were made on the structure.

Muir reiterated that the variance stays with the land not the structure.

Younge questioned why we would allow the same negative situation to last 50 years from now?

Esty is unsure of why the applicant needs this variance right now.

Polzella explained that Kucko has plans for some type of second business. A substantial amount of money would need to be spent to accommodate that business. With the 50% restriction they could not do what they intend for \$13,000.

Kucko agreed, saying the plumbing alone would be at least that amount.

Muir noted that this board is an advisory board, which is guided by the current Big Flats Zoning Law. The board can recommend denial based on the law and what has been submitted. The ZBA has the final ruling.

Kucko said they do not have any issues with the required setback if the building were to be torn down in the future. She feels no one would build right up to the road. Kucko stated that at this time they have a building to deal with. They need to utilize the entire barn to make it financially viable.

RESOLUTION P-2009-21
Kucko Variance Referral
Tax Parcel # 66.02-2-31.32

Resolution by: Muir
Seconded by: Masler

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Front Setback” variance on February 3, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation for denial with no additional comments.

CARRIED: AYES: Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Polzella explained that the applicant would like to use the rear area of the barn for some type of secondary use.

Muir noted that per town law a second use requires two acres.

Polzella stated that a second use would require more parking as well as other issues. Town law requires three acres for a business in some areas. There would be two businesses on this lot and we do not know what the secondary business would be.

Esty feels there is already a parking problem. Customers park on both sides of the street, and it is not a safe situation.

Muir stated that the secondary use would require site plan approval.

Kucko said that the second use does not necessarily have to be retail. Depending on what it is, there could be minimal parking. Additional parking is intended behind the barn.

Masler feels that 40% is substantial.

Muir said the board would need to determine on the specific use. There are a variety of uses allowed there. He also agrees 40% is substantial.

RESOLUTION P-2009-22
Theetge Variance Referral
Tax Parcel # 66.01-2-15

Resolution by: Esty
Seconded by: Byland

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a "Front Setback" variance on February 3, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation for approval with no additional comments.

CARRIED: AYES: Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir

Chairman, Planning Board

The applicant's property is located on Davenport Road. Muir explained that the land was purchased with the intent to build a single-family dwelling. The applicant was told it was a buildable lot, however it does not meet the minimum front setback.

RESOLUTION P-2009-23
Hampton Sign Variance Referral
Tax Parcel 58.03-1-1.5

Resolution by: Byland
Seconded by: Masler

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Sign” variance request on February 3, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation to consider the options in the Staff Report to the ZBA to be dated February 17, 2009 and decide the most appropriate option.

CARRIED: AYES: Esty, Muir, Young, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir

Chairman, Planning Board

Polzella noted the staff report, which states what is allowed. The applicant would like to put in four large façade signs.

Muir stated this needs to go to the ZBA and he feels there are some possible options to recommend.

Polzella explained that the requested façade signs are all higher than what is allowed. There are conditions that can be sent to the ZBA for consideration. If the proposed signs were denied a sign could be placed on the canopy, which would be below the height requirement. Perhaps the ZBA could grant a second freestanding sign. All signs are proposed to be illuminated. Another option would be to recommend granting a freestanding sign and grant the height variance for the front of the building. Polzella presented pictures of the Hampton Inn located in Painted Post. It has a sign on the carport area, which would not require a variance. Staff recommends allowing a second freestanding sign. There are many other options, however these are realistic ones that should be considered by the board. Lubin also makes use of tourist oriented destination signs provided by the Department of Transportation.

Muir explained that considerable time has been spent on this application, which is how the alternative options were determined.

Lubin commented that he had to pay \$250. for each variance. He already has invested \$1250.

Esty feels there is a precedent set with Country Inn and Suites. In his travels, when trying to find a hotel to get to quickly, he looks for a signature sign.

Polzella stated per town law we do not want illuminated signs.

Dobrydney explained that Country Inn and Suites were not permitted a variance.

Masler feels the request for more signs is due to the Hampton being on a corner lot.

Lubin said people who are looking for hotels are from out of town and not familiar with the area. It is not the same as local people looking for Macy's. Again, people are coming from out of town, and the signs are a signal to bring them in.

Masler does not feel the current signs are offensive.

Polzella stated that per town law it makes sense to recommend denial. There will be a public hearing, at which the applicant will present his case. The board will look at each of the five criteria. Their decision will be based on that.

Muir would like the ZBA to consider some options.

Esty is of the opinion that we as a board are not expert marketers. He feels the applicant would not pay the required fees for no reason and the requested signs are not cheap. Esty feels that this franchise has researched what is needed. He does not believe the applicant would put up more signs than he can afford or are needed.

Younge said we not know that. It is for the ZBA to decide.

Esty would recommend that the ZBA look at this based on the business.

Polzella explained that the ZBA would review the application according to the five criteria, not according to the business.

RESOLUTION P-2009-24
Jackson Hole Subdivision
Tax Parcel # 47.00-1-33.1

Resolution by: Younge
Seconded by: Esty

WHEREAS, this Board has received an application for subdivision review; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for February 17, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, January 27th, 2009 made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Esty, Muir, Younge, Byland and Masler
NAYS: None

Dated: Tuesday, February 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir

Chairman, Planning Board

The town is acquiring a piece of land to install a stormwater control pond. A special meeting is needed for the public hearing as well as the decision on the subdivision application. Meeting set for February 17, 2009 at 6:30pm.

Motion to adjourn by Byland, seconded by Esty at 7:57pm, Discussion, None, Motion Carries 5-0.

Meeting adjourned at 7:58pm.

**TOWN OF BIG FLATS
PLANNING BOARD
SPECIAL MEETING MINUTES
FEBRUARY 17, 2009**

**PLANNING BOARD SPECIAL MEETING
TOWN OF BIG FLATS
COMMUNITY CENTER
ROOM 'C'
6:30PM**

MEMBERS PRESENT: Lance Muir, Angela Piersimoni, Lee Younge, Bob Byland, Carl Masler, Scott Esty

MEMBERS ABSENT: Bill Stewart, Jim Ormiston

STAFF PRESENT: Stephen J. Polzella, Director of Planning, Brenda Belmonte, Secretary

GUESTS: Don Gaylord

Chair Muir called the meeting to order at 6:30pm noting members Bill Stewart and Jim Ormiston were absent.

**PUBLIC HEARING
Jackson Hole Subdivision
Tax Parcel 47.00-1-33.1**

Chair Muir opened the public hearing at 6:32pm, noting it had been duly published in the Star Gazette.

SPEAKING FOR:
None

SPEAKING AGAINST:
None

Public Hearing closed at 6:33pm

NEW BUSINESS

**RESOLUTION P-2009-25
Jackson Hole Subdivision
Tax Parcel 47.00-1-33.1**

Resolution by: Byland
Seconded by: Piersimoni

WHEREAS, this Board has received an application for subdivision review; and

WHEREAS, this Board conducted a Public Hearing on the Preliminary Plat on February 17, 2009; and

WHEREAS, the following are finding of fact:

- A. The Subdivision Drawing, dated May 31, 2008, is generally complete and technically adequate
- B. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- C. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will be safe and convenient for travel
- D. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- E. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board finds no significant potential adverse environmental impact and therefore issued a Negative Declaration on February 3, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of endorsement
- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- D. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

NOW, BE IT THEREFORE RESOLVED, to grant preliminary/final conditional subdivision approval to the Town of Big Flats for Parcel # 47.00-1-33.1.

CARRIED: AYES: Muir, Piersimoni, Younge, Byland, Esty

NAYS: None

ABSTAINED: Esty

Dated: Tuesday, February 17, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Note: Scott Esty arrived at 6:35pm

MEMBERS COMMENTS

Motion by Byland, seconded by Piersimoni, to adjourn at 6:38pm, Discussion, None, Motion Carries 5-0, Esty Abstained due to being absent.

Meeting adjourned at 6:39pm.

**PLANNING BOARD
MEETING MINUTES
MARCH 3, 2009**

TOWN OF BIG FLATS
COMMUNITY CENTER
GREAT ROOM
6:30PM

MEMBERS PRESENT: Scott Esty, Bob Byland, Carl Masler, Lance Muir, Angela Piersimoni, Lee Younge

MEMBERS ABSENT: Jim Ormiston

STAFF: Stephen Polzella, Director of Planning, Thomas Dobrydney, Planner, Brenda Belmonte, Secretary

GUESTS: Attorney Mark Weiermiller, Robert Lovejoy, Jean Lovejoy, Donald Gaylord, Mike Smith, Gerald Welliver, Carolyn Welliver, Thomas J. Sawyer, Lee Sinnebox

Chair Muir opened the meeting at 6:30pm, noting member Jim Ormiston was absent.

MINUTES

February 3, 2009

Motion by Byland, seconded by Esty to approve the minutes of February 3, 2009, Discussion, None, Motion Carries 6-0.

**RESOLUTION P-2009-26
Johanson RLO Development
Tax Parcel 67.02-1-8**

Resolution by: Piersimoni
Seconded by: Esty

WHEREAS, this Board has received an application for Site Plan review, area variance requested and an RLO Special Permit on November 19, 2008; and

WHEREAS, the following are finding of fact:

A. The applicant intends to construct a >5,000 Square foot home

- B. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- C. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- D. The Planning Board has determined the proposed project was “not to create a significant visual impact” (RESOLUTION P-2009-18)
- E. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- F. The applicant has sited the principal structure near the rear of the parcel, to be accessed with a long driveway. The applicant has also shown the proposed location of the septic system, which is to be sited in front of the principal structure
- G. The exact location of the proposed project is very near 1,100 ft. elevation, therefore should not be located along or projecting above the ridge
- H. The Chemung County Department of Health has approved a plan for a septic system on the property
- I. The proposed project, as submitted, is to possess a structure with a maximum height no to exceed 35 ft
- J. The applicant has submitted their application during the fall and winter therefore allowing for the visibility to be measured during a time of limited to no leaves
- K. Earth tone colors will be utilized as shown in the application materials dated January 20, 2009 to blend the house into the natural wooded setting.
- L. The applicant has indicated that very little clearing will be done above 1,100 ft. elevation
- M. The applicant has shown, through the site plan, that multiple buffers containing existing vegetation will remain
- N. Applicant has included a landscaping plan illustrating the proposed area to be cleared for the house and septic and the rest is to remain wooded.
- O. Proposed project appears to be cutting perhaps slightly more than a ¼ acre, but it does not appear to be excessive in nature
- P. Clear cutting guidelines will be followed on the property
- Q. Every effort possible will be made to maintain all of the healthy mature trees when installing the drainage to protect the house
- R. The applicant desires to maintain a wooded environment surrounding the house. Trees within safe distance from the septic system will be preserved
- S. Tree cutting will be limited whenever possible
- T. Light levels at any lot line will not exceed 0.20 foot-candle measured at ground level
- U. All outdoor light sources mounted on poles, buildings or trees will utilize fully shielded cut-off light fixtures approved by the International Dark Sky Association

- V. Parking for the proposed project is proposed behind the house
- W. The proposed project will not protrude above the ridgeline
- X. All utility lines will be underground from the pole at the road
- Y. The amount of impervious surface shall not be in excess of 20%
- Z. The applicant has indicated the installation of a swale for stormwater management running from behind the principal structure North to a proposed pond. The swale will require a culvert where it crosses the proposed driveway; and

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit copies of the Site Plan to the Director of Planning; and

WHEREAS, the following are terms prior to obtaining a building permit:

- A. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- B. Lot numbers, visible from the roadways must be posted on all lots
- C. The proposed drive must be in place; and

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings
- C. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- D. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions; and

WHEREAS, the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Planning Board
- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board; and

WHEREAS, the following are terms prior to any site work:

- A. Yellow “Caution” tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches; and

WHEREAS, the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board’s uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, December 30th, 2008, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board’s meetings pertaining to the review and evaluation of the proposed action;and

WHEREAS, the Planning Board of the Town of Big Flats determined in Resolution P-2009-9, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board grants the Ridgeline Overlay District Special Permit. In addition, this Board finds all items in order to grant Preliminary and Final Site Plan approval with the following conditions:

- Any future structures shall be placed so as to limit their visual impact on the viewshed to the greatest extent possible and in accordance with 17.32.160
- Any future structures shall blend in with the natural surroundings through preferred use of stone and/or natural wood siding and/or color
- Any future development of the site will preserve, to the maximum extent practicable, the existing vegetation
- Planned landscaping shall be preserved and maintained for a minimum of 3 (three) years after said landscaping is planted. This condition is in-place of a bond to ensure landscape survivability

- Future tree cuttings will be limited to less than one-fourth of an acre of contiguous area
- “Full cutoff light fixtures” will be utilized for all future outdoor lighting on said property
- This Site Plan approval is valid for three years at the applicants request

CARRIED: **AYES:** Esty, Byland, Masler, Muir, Piersimoni, Younge
NAYS:

Dated: Tuesday, March 3, 2009
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Discussion:

Muir stated this site plan was set for final approval with conditions.

Polzella noted everything is in order. Due to the location, the plan needed to go to the County Planning Board.

RESOLUTION P-2009-27
Holden Subdivision
Tax Parcel 87.00-01-65.1

Resolution by: Younge
 Seconded by: Piersimoni

WHEREAS, this Board has received an application for subdivision review on February 6, 2008; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for April 7, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board’s uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action,

has considered the comments of its staff report, February 24th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Esty, Byland, Masler, Muir, Piersimoni, Younge
NAYS:

Dated: Tuesday, March 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Muir explained that this application was ready for preliminary approval. The public hearing should be set for April 7, 2009.

Esty questioned if the applicant understands the conditions required for the access road.

Attorney Mark Weiermiller, representing the applicant, stated that they are aware of the requirements and also that the town will have final say relative to the construction of the road leading to Lot #2.

Polzella said this is in reference to Lot #2 only and would be a conditional approval once a road is constructed and everything is finalized. This would need to be done before any building permits were issued. The detailed staff report will be forwarded to Weiermiller.

RESOLUTION P-2009-28
Candlewood Suites Preliminary Site Plan
Tax Parcel 58.01-2-35.32

Resolution by: Esty
Seconded by: Byland

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on February 12, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS, the Town of Big Flats Department of Planning has provided a staff report dated February 24, 2009 to be forwarded to the applicant as the finding of fact through the preliminary review; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board nominates themselves as lead agency; and

NOW THEREFORE BE IT RESOLVED, this Board hereby authorizes the Director of Planning to contact and notify all interested and involved agencies of said nomination; and

FURTHER RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan DWG #4535, dated February 9, 2009 as a preliminary plan; and

FURTHER RESOLVED, the Town of Big Flats will send this project to the Chemung County Planning Board and the Chemung County Highway Department for review.

CARRIED: AYES: Esty, Byland, Masler, Muir, Piersimoni, Younge
NAYS:

Dated: Tuesday, March 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Muir noted this would be a preliminary with conditions.

Polzella stated that staff recommends the planning board accept the preliminary plan with the conditions as listed in the staff report.

Byland asked if snow storage and snow runoff would be addressed.

Lee Sinsebox, engineer for the applicant explained that any snow would be stockpiled in the parking lot and that there will be more parking spaces than required by code. There will also be catch basins and a detention pond for runoff. These details will be noted on the plan.

Byland referred to the other 3-story structures in that area and questioned the water support in case of an unforeseeable fire.

Polzella stated this would be addressed with SEQR.

Younge asked if any food service was planned, and was told no, it would be similar to a continental breakfast service.

Esty questioned the details of the easements.

Polzella stated that any easements are either already in place or will be in place before final approval.

Thomas Sawyer, representing the applicant, explained the details of the proposed building; it will be a 3-story wood frame structure with a concrete foundation, aluminum windows, a shingled roof, and exterior siding.

Byland asked if any traffic issues regarding Colonial Drive had been addressed.

Polzella stated that staff would be checking with the county, however it is beneficial that the driveway will be shared.

RESOLUTION P-2009-29
Candlewood Variance Referral
Tax Parcel # 58.01-2-35.32

Resolution by: Byland
Seconded by: Esty

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Front Setback” variance on March 3, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation for approval.

CARRIED: AYES: Esty, Byland, Masler, Muir, Piersimoni, Younge
NAYS:

Dated: Tuesday, March 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella explained that the proposed building is being situated 9 feet closer to the property line than is allowed by code due to the location of the dumpster. Staff feels the dumpster would be located in the best area possible. This is a minimal variance request and staff suggests sending it to the ZBA with a recommendation to approve.

RESOLUTION P-2009-30
Lovejoy RLO Site Plan
Tax Parcel 97.00-1-20

Resolution by: Younge
Seconded by: Byland

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Site Plan approval on February 17, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting March 3, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, February 24th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, the Town of Big Flats Planning Board, based on submitted materials has determined the project will not have a significant environmental impact and the need for review by a licensed architect be waived; and

FURTHER RESOLVED, the Town of Big Flats Planning Board accepts the preliminary site plan dated February 17, 2009 and authorizes the Director of Planning to forward this

plan to the Chemung County Planning Board for review based upon the following finding of fact:

- The applicant has met with staff on multiple occasions to discuss what is needed and the applicant has been able to follow through with staff recommendations.
- The applicant has submitted a SWPPP for review, with a map showing the location of stormwater structures.
- The applicant has submitted a survey with 10-ft. contour lines, with the approximate location of the proposed dwelling unit.
- The applicant has submitted a landscaping plan, of which staff is satisfied with the extent of the landscaping and minimal clearing.
- The applicant has submitted a Visual EAF, Basic Visual Impact Assessment Form, and Visual Impact Assessment Matrix

CARRIED: AYES: Esty, Byland, Masler, Muir, Piersimoni, Younge
NAYS:

Dated: Tuesday, March 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella presented an additional map showing added details. Staff recommends showing the location of the septic system. The applicant wishes to build in late spring / early summer. Staff feels the applicant has provided a very complete submission and has proposed the structure in the least visible location with a small amount of clearing. A site visit will be held in the near future. Proposed colors of the shingles and siding have been submitted and distributed.

Lorson Carwash Concept
Tax Parcel #66.02-2-61

Chris Dean, representing the applicant, explained he was here to gain input from the board for preliminary and final. The applicant is looking to gain property from the Chemung Canal Bank prior to moving forward. Polzella reviewed the staff report.

Planning Board Rules of Procedure Review

Discussion regarding the alternate position:
The alternate should attend 75% of meetings as is required by regular members.

Correspondence

Bill Stewart's resignation and request to remain as an alternate.

Supervisor Balland has asked for the planning board's recommendation. The board agreed to seek a new alternate member.

Motion by Esty, seconded by Byland to adjourn at 8:02pm, Discussion, None, Motion Carries 6-0.

Meeting adjourned at 8:03pm.

**TOWN OF BIG FLATS
PLANNING BOARD**

*Filed with
Town Clerk
April 14, 2009*

**MEETING MINUTES
APRIL 7, 2009**

**7:00PM
COMMUNITY CENTER**

MEMBERS PRESENT: Bob Byland, Lee Younge, Lance Muir, Angela Piersimoni, Scott Esty, Jim Ormiston

MEMBERS ABESENT: Carl Masler

STAFF PRESENT: Steve Polzella, Tom Dobrydney, Brenda Belmonte

GUESTS: Thomas Sawyer, Lee Sinsebox, Art Bill, Jim Kucko, Julie Kucko, Bob Lovejoy, Joan Lovejoy, Marcia Hudock, Atty Mark Weiermiller, Ted Ostrander

Meeting called to order by Chair Muir at 6:30pm, noting member Carl Masler was absent.

MINUTES

March 3, 2009

Motion by Piersimoni, seconded by Younge, to approve the minutes of March 3, 2009, with corrections, Discussion, None, Motion Carries 5-0, Ormiston abstains.

February 17, 2009 Special Meeting

Motion by Piersimoni, seconded by Byland to approve the minutes of February 17, 2009, Discussion, None, Motion Carries 5-0, Ormiston abstains.

**HOLDEN SUBDIVISION
TAX PARCEL #87.00-01-65.1**

PUBLIC HEARING

Chair Muir opened the public hearing at 6:32pm, noting it had been duly published in the Star Gazette.

Speaking for:

Attorney Mark Weiermiller stated he submitted the application and is here to speak in favor of the subdivision for the Holden family.

Speaking against: None

Public hearing closed at 6:34pm

RESOLUTION P-2009-31
Holden Subdivision
Tax Parcel 87.00-01-65.1

Resolution by: Esty
Seconded by: Byland

WHEREAS, this Board received an application for subdivision review on February 6, 2008; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete, Resolution P-2009-27; and

WHEREAS, this Board conducted a Public Hearing on Preliminary Plat on April 7, 2009; and

WHEREAS, the following are finding of fact:

- A. The Subdivision Drawing, dated April 23, 2007 and Revised March 27, 2009, is generally complete and technically adequate
- B. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- C. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will be safe and convenient for travel, including a fifty (50) foot easement across "Lot 1" to access "Lot 2"
- D. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- E. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board found no significant potential adverse environmental impact and therefore issued a Negative Declaration on March 3, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of final endorsement
- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code

- D. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

WHEREAS, the following are terms prior to obtaining a building permit:

- A. Three (3) complete copies of the endorsed and recorded subdivision plans and one (1) certified copy of the following documents: recorded subdivision approval, individual septic approval, driveway access permit from the appropriate Public Works agency, and any other documentation needed by the Building and Code Department
- B. A plot plan for the lot in question must be submitted, which includes all of the following:
 - a. location of the structure
 - b. location of the driveways
 - c. location of the septic systems
 - d. location of all water and sewer lines
 - e. location of wetlands and any site improvements require
 - f. any grading called for on the lot
 - g. all required zoning setbacks
 - h. Location of any drainage, utility and other easements
- C. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- D. Lot numbers, visible from the roadways must be posted on all lots
- E. The proposed road must be constructed to Town Specifications in cooperation with the Town of Big Flats DPW Commissioner and the dedication to the Town of Big Flats.

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings and be visible from the road
- C. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- D. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions

WHEREAS, the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Planning Board

- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board

WHEREAS, the following are terms prior to any site work:

- A. Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches

WHEREAS, the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays

NOW, BE IT THEREFORE RESOLVED, to grant final conditional subdivision approval to Margaret A. Holden, 150 Kneale Rd., Pine City, NY 14871.

CARRIED: AYES: Esty, Byland, Younge, Muir, Piersimoni, Ormiston
NAYS:

Dated: Tuesday, April 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Esty asked for explanation as to how staff has addressed the concerns regarding road access.

Polzella said staff met with the town attorney, the town supervisor and the town DPW Commissioner. As a result of these meetings, the road access is proposed as follows: The road to the current house will be built to town specs and dedicated to the town. The access to Lot #2 will be a driveway with deeded access to the property. Any further development will require revisiting the requirements at that time. A letter has been submitted by DPW noting their comments on this matter. Attorney Weiermiller has presented the required easement documentation at tonight's meeting, which will be verified by staff.

RESOLUTION P-2009-32
Candlewood Suites Preliminary Site Plan
Tax Parcel 58.01-2-35.32

Resolution by: Esty
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on February 12, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board nominated themselves as lead agency; and

WHEREAS, the involved agencies were contacted and none expressed adversity to the Town of Big Flats Planning Board as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, March 26th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Esty, Byland, Younge, Muir, Piersimoni, Ormiston
NAYS:

Dated: Tuesday, April 7, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-33
Candlewood Suites Final Site Plan
Tax Parcel 58.01-2-35.32

Resolution by: Younge
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on February 12, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board found a made a negative declaration of significant environmental impacts; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board grants final site plan approval with conditions; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

- **Comments of the March 26, 2009 Staff Report** - shall be addressed prior to obtaining a final site plan endorsement
- **Comments of the March 25, 2009 letter from Town of Big Flats DPW** - shall be addressed prior to obtaining a final site plan endorsement
- **Updated Final Plan** – Applicant shall submit a new set of drawings, updated as per the Town of Big Flats Staff Report dated March 26, 2009, for endorsement prior to obtaining a final site plan endorsement. The Applicant shall provide 1 mylar and 4 large prints for endorsement. The Applicant shall also submit a digital copy in TIF format
- **Stormwater Management** – Applicant shall obtain a signed MS4 SWPPP acceptance form prior to obtaining final site plan endorsement
- **Final Site Plan Endorsement** – All conditions, not related to a building permit or a Certificate of Occupancy, shall be met prior to final site plan endorsement. A building permit cannot be obtained and NO SITE WORK shall begin prior to obtaining final site plan endorsement
- **Signage** – All signage on the property shall comply with Town of Big Flats Municipal Code 17.52 and obtain the appropriate permits from the Town of Big Flats

- **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code and the approved lighting plan
- **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity
- **Access/Utilities** – Applicant shall provide the Director of Planning with a copy of *all* easements (including but not limited to water, sewer and stormwater) in place prior to obtaining final site plan endorsement
- **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
- **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
- **Construction/Site Prep** – *No on-site action and no ground shall be disturbed prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays
- **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment

CARRIED: AYES: Esty, Byland, Younge, Muir, Piersimoni, Ormiston
NAYS:

Dated: Tuesday, April 7, 2009
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Discussion:

Polzella referred to the conditions recommended in the staff report. Massachio Architects have stated that all easements are not yet in place. Staff recommends these be in place prior to obtaining final site plan endorsement.

Lee Sinsebox complimented Polzella for his assistance with the application.

Byland questioned the area designated for snow storage.

Sinsebox said it is also the area designated for surplus parking. If that were not adequate, the excess snow would be removed from the site. He also stated that additional parking could be designated.

Byland's concern is that the snow storage area is near the entrance and could possibly cause visibility problems.

Sinsebox agreed, saying it could be moved to the opposite end where traffic would not be an issue.

Younge suggested having a designated walkway between The Outback and the hotel.

Sinsebox said an area could be striped off for a pedestrian walkway.

Muir feels a walkway would not be required providing there is adequate lighting.

Piersimoni asked when construction would begin.

Sinsebox said they would begin as soon as possible; tonight's decision was critical to the starting date. He also stated that the required conditions would be addressed immediately.

RESOLUTION P-2009-34
Lovejoy RLO Site Plan
Tax Parcel 97.00-1-20

Resolution by: Ormiston
Seconded by: Esty

WHEREAS, this Board has received an application for Site Plan review, area variance requested and an RLO Special Permit on February 17, 2009; and

WHEREAS, the following are finding of fact:

- F. The applicant intends to construct a <5,000 Square foot home
- G. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- H. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- I. The Planning Board has determined the proposed project was "not to create a significant visual impact" (RESOLUTION P-2009-30)

- J. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- K. The exact location of the proposed project is below 1,100 ft. elevation, therefore should not be located along or projecting above the ridge
- L. The proposed project, as submitted, is to possess a structure with a maximum height below 35 ft. when measured to the top of the roof
- M. The applicant has submitted their application during the fall and winter therefore allowing for the visibility to be measured during a time of limited leaves
- N. A landscaping plan has been filed with the site plan
- O. Earth tone colors will be utilized as shown in the site plan to blend the house into the natural wooded setting
- P. The applicant has indicated that very little clearing will be done above 1,100 ft. elevation
- Q. A buffer area has been created to add additional vegetation to the area between the driveway and the road
- R. Clear cutting guidelines will be followed above the 1,100 ft. elevation
- S. Every effort possible will be made to maintain all of the healthy mature trees when installing the proper drainage to protect the house
- T. The applicant desires to maintain a wooded environment surrounding the house. The front yard will have all of the saplings and under brush removed. Trees within safe distance from the septic system will be preserved
- U. Tree cutting will be limited whenever possible
- V. Light levels at any lot line will not exceed 0.20 foot-candle measured at ground level
- W. All outdoor light sources mounted on poles, buildings or trees will utilize fully shielded cut-off light fixtures approved by the International Dark Sky Association
- X. The estimated square footage of the proposed structure is below 7,500 sq. ft.
- Y. The amount of impervious surface should not be in excess of 20%
- Z. The applicant has included a Soil Erosion Plan with their submitted material
- AA. Such plan calls for a diversion ditch to be installed running North-South starting from behind the house and running to the road so as to divert stormwater away from the proposed structure. The diversion ditch will have a riprap protected outlet where the ditch is to intersect the roadside ditch
- BB. The plan calls for silt fence to be installed on the parcel during construction
- CC. A min. of 50 linear ft. of stabilized construction entrance will be installed
- DD. The plan includes an Erosion and Sediment Protection Construction Sequence; and

WHEREAS, the following are terms prior to endorsement of the final plat:

- E. The applicant shall submit septic documentation from the Chemung County Department of Health to the Director of Planning

WHEREAS, the following are terms prior to obtaining a building permit:

- F. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures

- G. Lot numbers, visible from the roadways must be posted on all lots
- H. The proposed drive must be in place; and

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- E. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- F. Permanent house numbers must be posted on dwellings and be visible from the road
- G. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- H. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions; and

WHEREAS, the following are general conditions for the project:

- F. There shall be no burying or dumping of construction material on site
- G. The location of any stump dumps on site must be pre-approved by the Planning Board
- H. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- I. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- J. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board; and

WHEREAS, the following are terms prior to any site work:

- C. Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- D. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches; and

WHEREAS, the following are terms throughout and during construction:

- C. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- D. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board conducted an uncoordinated review and found and made a negative declaration of significant environmental impacts; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board grants the Ridgeline Overlay District Special Permit. Also, this Board finds all items in order to grant Final Site Plan approval with the following conditions:

- Any future structures shall be placed so as to limit their visual impact on the viewshed to the greatest extent possible and in accordance with 17.32.160.
- Any future structures shall blend in with the natural surroundings through preferred use of stone and/or natural wood siding and/or color.
- Any future development of the site will preserve, to the maximum extent practicable, the existing vegetation.
- Planned landscaping shall be preserved and maintained for a minimum of 3 (three) years after said landscaping is planted. This condition is in-place of a bond to ensure landscape survivability.
- Future tree cuttings will be limited to less than one-fourth of an acre of contiguous area.
- “Full cutoff light fixtures” will be utilized for all future outdoor lighting on said property.
- Applicant verify the location of the proposed septic system with Staff

CARRIED: AYES: Esty, Muir, Younge, Byland, Piersimoni and Ormiston
NAYS: None

Dated: Tuesday, April 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Muir noted that the staff report thoroughly covered the required conditions of approval.

Polzella stated that the county review was favorable.

Lovejoy said he has retained Dave Iocco to draw the plans, and wants to maintain a minimum footprint regarding the septic. Iocco could design a system that would take up less space than a sand system.

Polzella stated that once the conditions are addressed the plan would be stamped as final.

RESOLUTION P-2009-35

Amish Workshop

Tax Parcel 66.02-2-62

Resolution by: Piersimoni

Seconded by: Byland

WHEREAS, the Town of Big Flats Planning Board has determined the site plan approval dated May 24, 2005 has not been adhered to; and

WHEREAS, Mr. Arthur J. Bill filed a site plan application on December 1, 2008; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the site plan at its regular and has evaluated several considerations; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the March 26, 2009 Staff Report as finding of fact and grants final site plan approval with the following conditions:

- Every effort shall be made to keep the display area visually neat and organized
- All products for sale be related to outdoor woodcraft furniture and sheds, with the exception of metal carports to be displayed in the Northwest Inventory Display Area
- There shall be no storage or display of any products in the New York State right-of-way.
- The Town of Big Flats Department of Planning shall be notified prior to any changes to the property and/or site plan.

CARRIED: AYES: Esty, Ormiston, Muir, Younge, Piersimoni and Byland

NAYS:

Dated: Tuesday, April 7, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Polzella thanked Mr. Bill for his cooperation in presenting a concept complying with the Town Center Overlay.

Esty asked for an explanation of how each separate area would be used.

Bill explained the details of the layout using a diagram of his site plan.

Muir said Mr. Bill has used creativity to set up various layouts of wood furniture.

Polzella noted that the applicant has also proposed a sign (complying with BFZL) to be placed on the small house structure located closest to Maple Street.

Younge asked if the items on the porch of that house structure were also for sale.

Mr. Bill answered yes; they are for sale along with the items inside the downstairs of the house.

Younge then asked Bill how many cars would be parked there at one time.

Bill replied typically no more than three at time.

Esty asked if all of the products being sold would be made of wood and if there would be any concrete planters.

Bill said there would not be concrete planters; the furniture would mainly be constructed of wood.

Esty asked about the metal carports.

Bill replied if the board does not want them he would not have them. He explained that the carport was installed to store furniture underneath to keep things neater. He then realized that was not what the board was looking for.

Younge said Mr. Bill is to be commended for what he has done.

Bill noted his appreciation for the help he has received from Polzella.

RESOLUTION P-2009-36
Ted's Produce SEQR
Tax Parcel 66.04-3-30.3

Resolution by: Esty
Seconded by: Byland

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on March 19, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board nominated themselves as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action,

has considered the comments of its staff report, March 26th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: **AYES:** Esty, Byland, Younge, Muir, Piersimoni, Ormiston
NAYS:

Dated: Tuesday, April 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-37
Ted's Produce Preliminary Site Plan
Tax Parcel 66.04-3-30.3

Resolution by: Byland
Seconded by: Esty

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on March 19, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS, the Town of Big Flats Department of Planning has provided a staff report dated March 26, 2009 to be forwarded to the applicant as the finding of fact through the preliminary review; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan dated April 7, 2009 as a preliminary plan; and

FURTHER RESOLVED, the Town of Big Flats will send this project to the Chemung County Planning Board and the Chemung County Highway Department for review

CARRIED: AYES: Esty, Byland, Younge, Muir, Piersimoni, Ormiston
NAYS:

Dated: Tuesday, April 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella distributed documents showing modifications to the site plan, noting that only Phase 1 will be reviewed at this time. Phase 2 will be presented at next month's meeting. The applicant has obtained a driveway permit from DPW. It includes a culvert and complies with the required distances. Staff recommends requiring enter and exit signs. Phase 1 is simply a parking area and a walkway to the tent. The applicant would like to be open for business by May 6, 2009. One of the concerns is the parking on Winters Rd. and on County Rte. 64. Staff suggests some type of fence; a barricade that blends in and prevents parking along the two roads. The applicant has stated he would also put up no parking signs, and would help to police the area. It would take a substantial amount of time to grow shrubs, therefore staff recommends a fence barrier.

Muir agreed that parking along the road would block the views. He also mentioned that the parking area in Phase 2 is proposed to be substantially expanded; consequently this issue needs to be addressed now.

Ostrander stated that the majority of traffic would be during the one to two months of the growing season. The business will be open for seven to eight months out of the year.

Younge asked the applicant if he would be growing his products on site.

Ostrander said not at this time, but eventually.

Younge noted her concern with the use of pesticides.

Polzella said that would be addressed in the Phase 2 discussion.

Piersimoni asked the applicant how products would be delivered to the site.

Ostrander replied he would be using a large utility truck, probably every three to four days.

Esty asked for details of the parking area.

Ostrander explained there will be six inches of No. 2 gravel rolled out in the parking area. It will initially be crumbly, but will hard pack with loam.

Esty feels that with the current conditions, the gravel could all seep into the dirt.

Ostrander said the owner is doing that work right now. Ostrander is leasing the property from John Wren.

Polzella stated that the intention is to make the property slope so that Mr. Wren can maintain it.

Ostrander will clean the gravel from the road every day, although he feels it should stay in place quite well.

Ostrander asked if he would be allowed to place shrubs and no parking signs along the roads instead of a fence. If a parking problem occurred, he would install a fence in Phase 2, at which time he would have more funding. It is not a major issue for him at this time but again, he feels it should be done in Phase 2.

Dobrydney noted that the proposal needs to be presented to the county, which gives the board a month to consider the applicant's request.

Esty asked if the fence would be on County Rte 64 only.

Polzella stated that staff recommends both Co. Rte 64 and Winters Rd.

Esty said there is a ditch along Winters Rd. making it difficult to park there.

Ostrander agreed, saying the cars would be in the ditch if they tried to park there.

Esty feels if someone is going to park in a ditch then a fence would not deter them.

Muir stated that the entire issue is about safety due to the increased traffic at that intersection.

RESOLUTION P-2009-38
Kucko Variance Referral
Tax Parcel # 66.02-2-31.32

Resolution by: Esty

Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Sign” variance on April 7, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals recommending the board grant any variances necessary to allow the applicant to keep the signs that were already installed in place with a condition that the variance be conditioned to the existing structure.

CARRIED: AYES: Esty, Piersimoni, Byland and Ormiston
NAYS: Younge, Muir

Dated: Tuesday, April 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Muir asked Jim and Julie Kucko for any comments and they had none. Muir then referred to the possible options listed in the staff report saying he feels staff has recommended a reasonable compromise. The regulations are clear as to what is allowed and they have been in place since 1997.

Staff understands that being located close to the road is a hardship, and that placing a sign facing Hibbard Road may not be beneficial to the applicant. Three façade signs have been requested; code allows for one. All three have been requested in places that are not allowed, and two of the three requests would exceed the allowable size. Staff’s opinion is that the benefit sought could be achieved by granting one façade sign on the side that the applicant feels would be most effective. The basis for this recommendation is that a façade sign is only one of the methods looked at by the code. A 36ft high freestanding sign could be used (two-sided) as well as a portable sign. Another option would be to make use of tourist destination signs available from the NYS DOT. Staff has noticed that various neighboring businesses make use of those signs as well as utilizing freestanding signs and small façade signs. Staff feels that the code is adequate as written, with the exception of the sign in front. The total relief requested would be a modification of one façade sign to three: one on the north, the south, and the west side. Also two of the requests were for relief from allowable square footage on the south side and exceeding total aggregate sign area. These are existing signs and are involved in an open code violation. The applicant would be required to remove the signs or appear in front of a judge.

Julie Kucko said the sign's letters had previously existed but were removed in order to paint the barn and do additional maintenance. Kucko said they requested new signage from an individual in the code department several years ago and were told that it was not allowed. Since that time they have been working on replacing the pre-existing signs, and have heard nothing from the town. It was shortly after proposing additional uses for the barn that they were cited for the signs. Again, they were pre-existing signs, and the staff at that time told her that those were the only letters that could be used. Once cited, Kucko says she informed Polzella that there was remaining signage to be put up. Kucko's opinion is that it was implied by prior staff that she could put those signs up without a permit. No one ever told them they needed a sign permit. Kucko stated, "Shame on us for trying to improve our building."

Polzella referred to the section of the staff report, which discusses the issues raised by Kucko. The aforementioned signs were removed well over one year ago. The law was adopted in 1997 and amended in 2003. The allowed time is up, and we are actively pursuing removal of the other signs as per our amortization schedule.

Kucko said there are other businesses in the neighborhood with more than one façade sign.

Polzella stated that staff did not observe anything out of the ordinary but they will take note and send out any needed violations.

Kucko is not asking for violations to be issued on anyone; that is not her intention.

Muir pointed out that the code very clearly spells out what is permitted.

Polzella explained that the planning board could recommend approval, denial, or partial approval as suggested in the staff report.

Esty feels that staff's recommendation makes no sense; to have a sign on the east side where it could not be seen.

Jim Kucko noted that to put signs on the front would require using a lift on the road.

Polzella clarified that he has recommended putting the one façade sign on whichever side the applicant chooses, not a specific side.

Esty feels a freestanding sign would cost a fair amount of money. The applicants already have their own signs.

Kucko feels it does not make sense to buy signs when they already have them. She then asked to hear Polzella's recommendation.

Polzella stated he had just read the recommendation.

Muir stated that the board could not do more than that; they need to follow the code. This board is obligated to go by the rules, however they could recommend alternatives along with the referral. That is the reason for this discussion.

Esty would like to allow the façade sign on whichever side is chosen by the applicant, as well as give an option for an additional façade sign or a freestanding sign.

Polzella commented on a recent application to the ZBA with a similar request. The decision was to grant one façade sign and one freestanding sign as permitted by code.

Kucko asked what about affordability?

Polzella stated that is not part of the review criteria.

Kucko feels that staff's recommendation has changed since she spoke with Polzella, and that this board will agree to whatever that recommendation is.

Polzella commented that his recommendation has not changed and is no more than a recommendation. No recommendation is binding.

Dobrydney stated that the ZBA is bound by law to grant the least amount of relief.

Kucko said they could put conditions on them.

Polzella said yes, reasonable conditions.

Muir asked Kucko if she was suggesting that the planning board does not make a recommendation.

Kucko replied that she would like a favorable recommendation but it does not sound like that is what they would get. She said they would not choose the freestanding sign. One façade sign is not a lot compared to what she feels was grandfathered in.

Esty commented that the applicant does not have to go for a variance for a freestanding sign. The variance stays with the land. In the future the signs could be changed.

Polzella said any future business would then be allowed two façade signs if that variance were granted.

Younge likes Esty's suggestion, however the ZBA has to abide by the law and go for the least variance. If we were to recommend an extra freestanding sign, it is already permitted.

Kucko said the height of the barn would block a 35ft tall freestanding sign. She then asked Polzella if she understood correctly that the existing sign on the south side of the barn is too big.

Polzella said yes, it is 32sq ft larger than what is allowed.

Kucko asked if the roof and side of the building were considered or just the side.

Polzella stated just the side; rooftop signs are not allowed so that area would not be considered.

Kucko said it is a massive structure. The size of the building makes it so that larger letters are needed for the signs. She then asked for clarification as to what could be recommended to the ZBA.

Polzella noted the details saying the ZBA will look at those and determine what the least amount could be granted for the benefit sought.

Kucko asked where a freestanding sign could be put due to the building being so large and so close to the road.

Polzella replied it is not for this board to advise on the applicant's business plan.

Ormiston feels the applicant should consider a freestanding sign, which would be more significant.

Esty feels there is no location to put up a freestanding sign.

Polzella stated there is plenty of property out back of the building; most likely there is ample land to put up a freestanding sign that would be viable.

MEMBERS COMMENTS

Younge will be absent for the May meeting.

Esty commented on the graffiti under Kahler Road Bridge, on the overpass on Canal St. and on various meter boxes.

Muir said it needs to be brought to the attention of the town board.

Ormiston stated he is handicapped with his hearing and misses a lot of conversation, especially in the 'Great Room'. He would appreciate that being taken under consideration.

RESOLUTION P-2009-39 **Planning Board Rules of Procedure**

Resolution by: Younge
Seconded by: Byland

WHEREAS, the Town of Big Flats Planning Board Law Section 17.72.080G of the Town Code requires the Board to adopt rules and regulations, and

WHEREAS, the Planning Board completed the requisite SEQRA review finding this action to be a Type 2 action pursuant to 6NYCRR part 617.5(c)(20), and

NOW BE IT THEREFORE RESOLVED, that this Board adopts the revised Rules and Forms of the Planning Board as follows:

1. The Chairperson of the Planning Board shall be recommended by the members of the Planning Board and shall serve a two-year term appointed by the Town Board. Upon completion of said two-year term, the Chairperson rotates downward to the position of Vice-Chairperson. In the event of a vacancy of the Vice-Chairperson, the members of the Planning Board shall elect a new Vice-Chairperson.
2. The Board shall have an Executive Committee, with at most three members appointed for each calendar year by the Chairperson of the Planning Board. The members of the Executive Committee shall come from:
 - a. The members of the Board
3. The Executive Committee shall perform the following tasks:
 - a. Approve the meeting agenda based on input from the Director of Planning
 - b. Ensure all required documentation is available for Planning Board review
 - c. Work with the Director of Planning to optimize Client/Town relations
 - d. Participate in Special Meetings as per recommendation of Director of Planning
4. The Regular Meetings of the Board shall be generally be held in accordance with the approved schedule unless:
 - a. The Board either cancels any such regular meeting or reschedules the date, time and/or place of any such regular meeting by resolution adopted at a meeting prior thereto; or
 - b. The Chairperson of the Board, or Vice-Chairperson when the Chairperson is not available, either cancels any such regular meeting based on a lack of sufficient business therefore or reschedules the date, time and/or place of any such regular meeting based on an emergency. On the determination of an expected quorum of the Board at the rescheduled regular meeting, with prior public notice and prior notice to each of the members of the Board of the cancellation or rescheduling of the meeting.
5. A special meeting of the Board may be scheduled for a date, time and place either:
 - a. By the Board by resolution adopted at a meeting prior thereto; or
 - b. By the Chairperson of the Board on the determination of an expected quorum of the Board at the special meeting, with prior public notice and prior notice to

each of the members of the Board of the scheduling of the special meeting.

6. Each regular and special meeting of the Board that begins at 6:30 p.m. shall end at 9:30 p.m. unless prior to that time the Board, by resolution, extends the meeting to a later specified time.
7. A visitor (i.e. person at a meeting who is not a member of the Board) may speak at a meeting of the Board only with the consent of the Chair.
8. The vote of the Board on each resolution or motion granting final approval, with or without condition(s), of an application for Subdivision and/or Site Plan Review, and/or granting a special permit, and/or making a recommendation to the Town Board, Zoning Board of Appeals or other agency, shall be by roll call of the members of the Board.
9. At the beginning of each Public Hearing held by the Board on any application, request or proposal, the Chairperson of the Board shall ensure that a brief description of the subject matter on which the Board expects to take action is presented.
10. Each meeting of the Board, to the extent not otherwise governed by law, regulation and/or rule, shall be governed by Robert's Rules of Order.
11. No item shall be placed on the printed agenda of a meeting of the Board unless the Director of Planning, or Chairperson of the Board in the absence of the Director, has received:
 - a. An application for Planning Board review signed by all APPLICANTS; and
 - b. All documentation related to that item, including any reports, analysis, applications, or plans and any other information required by the Town of Big Flats Municipal Code (16.08 and/or 17.32), no later than 1:00 p.m. on the eighteenth (18th) calendar day prior to the meeting.
 - c. Other additions may be made at the discretion of the Director of Planning or the Chairperson of the Board.
12. The following Public Notice of a meeting will be given:
 - a. For a Regular or Special Planning Board meeting, as a minimum, notifications shall be sent to the following:
 - i. Applicant/Representative
 - ii. The Star-Gazette (5 Days prior to the meeting)
 - iii. Posted on the official bulletin board for the Town & Town website
 - b. For any committee of the Planning Board, as a minimum, notifications would be sent to the following:
 - i. Applicant/Representative, if appropriate
 - ii. Posted on the official bulletin board for the Town

- c. For a Public Hearing, as a minimum, notifications shall be sent to the following:
 - i. Applicant/Representative
 - ii. The Star-Gazette (5 Days prior to the meeting)
 - iii. Posted on the official bulletin board for the Town & Town website
 - iv. All property owners within 500 ft. of the involved parcel
- 13. A complete application for the purpose of the Board making a SEQRA determination of the significance of environmental effect or impact thereof pursuant to 6 NYCRR 617.6 shall contain:
 - a. All information necessary to constitute a Preliminary Site Plan,
 - b. All properly completed and signed Forms,
 - c. A written analysis showing compliance with the Storm Water Pollution Prevention Plan as per 17.32.040 and/or 16.08.030(H), and
 - d. All other information determined by the Director of Planning and/or Chairperson of the Board to be necessary for making such determination.
- 14. When the Planning Board requires a recreation area as per 16.12.070, the Planning Board shall, by resolution, request that the Parks Commission of the Town of Big Flats make a report and recommendation to the Board for requiring either park land or cash in lieu of park land from an applicant pursuant to the Subdivision Code (16.12.070) of the Town of Big Flats.
- 15. The application fee pursuant to the Fee Code of the Town of Big Flats for an application to the Planning Board for Site Plan approval, Subdivision approval or a Municipal Permit shall be paid to the Town of Big Flats as part of the application prior to formal submittal of the application to the Board. As a condition for consideration of the application at the Planning Board's next meeting on whose agenda the application can be placed in accordance with Rule 10 and with meeting time available in relation to consideration of other items earlier qualifying in chronological order to be placed on the agenda under Rule 10.
- 16. The following action by the Director of Planning and/or Chairperson shall be taken upon establishing a printed agenda for a meeting of the Board where such agenda contains for consideration for the first time an application for approval of: (a) proposed Site Plan, (b) proposed Subdivision as set forth in the Subdivision Code of the Town of Big Flats, (c) a proposed Special Permit and/or, (d) a proposed Use and/or Area Variance, each applicable to a Specific Tax Parcel:
 - a. The Director of Planning and/or Chairperson shall cause to be mailed at least four (4) calendar days prior to such meeting a written notice of such application to each known owner of a tax parcel abutting the Specific Tax Parcel. Where a tax parcel is separated from the Specific Tax Parcel by only a ROAD (as defined in BFZL), that tax parcel is deemed abutting the Specific Tax Parcel for the purpose of this Rule.
- 17. The Planning Board recognizes Staff Reports and Consultant Reports as finding of

fact and as primary basis for technical review.

18. Every attempt shall be made by Planning Board members to obtain and review meeting information packets one week in advance of a scheduled meeting to maximize the opportunity to review all pertinent information.
19. Every attempt shall be made by Planning Board members to capitalize on the opportunity each has to meet individually with the Town of Big Flats professional planning staff in advance of a scheduled meeting.
20. As opposed to 17.72.065 (C) of the BFZL, NYS Statute requires planning board members to receive at least 4 hours per year. Planning Staff shall monitor the fulfillment of said statute and notify members of upcoming "hours". A resolution by the Town Board is mandatory prior to any training to be held outside of the Town of Big Flats. The Town Board may require a Town of Big Flats vehicle to be utilized.
21. Alternate Members shall make every attempt to attend all meetings of the Planning Board and shall observe the same attendance criteria of the Planning Board as defined in BFZL 17.72.065(A).

FURTHER RESOLVED, that this Board recommends that the Town Board approve the listed Rules and Forms of the Planning Board and to revoke and repeal all previous Rules and Forms of the Planning Board.

CARRIED: AYES: Esty, Piersimoni, Byland, Younge, Muir and Ormiston
NAYS:

Dated: Tuesday, April 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Suggested changes include notifying abutters of proposed projects to at least 500ft.

OTHER COMMENTS

The Executive Committee has decided to advertise for candidates to fill the position of planning board alternate.

Citing tonight's ZBA referral, Muir cautioned the board that they should not be speaking as if they are for the applicant.

Polzella stated for the record, that during a recent visit to the planning office Julie Kucko had threatened to sue the town.

Muir said he voted no because it is his opinion we do not have the power to do what was suggested.

Esty feels the planning board was already violating the law by suggestion. We should be encouraging this type of businesses; "these poor people get picked on."

Dobrydney stated no one is being picked on. This issue came to the town's attention questioning whether any permits had been issued. The signage is not permitted by code.

Byland said the signage was there previously and his opinion is it does not hurt or affect anything. It is a violation of the law and this board cannot change that, but the ZBA can. The ZBA has specifically asked that we forward our comments to them. They will weigh those comments based on the five criteria.

Muir explained his decision, saying it was based on the code, not on his opinion. We have expressed more than support for leniency, however when dealing with the specifics we are encouraging something that we have no authority to do. Muir does not want this board to make a specific recommendation that violates the law.

Polzella said the staff recommendation was based specifically on the location of the building. It should be limited to one sign with the proper square footage. Polzella sees no justification for the second or third sign or for the motion that was passed.

Muir stated the need to be consistent. We *cannot* become known as a board that recommends direct violations of the code to the ZBA.

Byland asked if tonight's recommendation was a direct violation.

Polzella answered yes, it was a violation of area, square footage, and a second façade sign, which is a direct violation of the law.

Esty said the whole point of having a variance is to be against the law.

Polzella stated yes, when justified; this motion was not justified with any facts.

Younge feels the board needs to agree that in the future they should not make any recommendations that are contrary to our law.

Esty disagreed, saying that is what a variance request is for.

Polzella explained that the referral is to look to see if there is a justified hardship. In this case, the justified hardship is that the building is too close to the road. This board should take that same look; the referral should be justified. There is justification in allowing the applicant to move the sign to whichever side she chooses. There is no justification to tonight's recommendation. Where is the justification to allow more square footage, more sign locations, more aggregate area?

Muir reiterated that we cannot recommend directly against the Big Flats Zoning Law. Tonight's decision was passed 4-2 that we violate town law with no explanation.

Byland disagreed, saying it was recommended that the ZBA consider their request.

Polzella said this board has asked the ZBA to please look at this favorably. There are at least three variances in that referral that do not have justification. That recommendation is in the record.

Esty feels that the basis for laypeople being on the planning board is to make sure that we contribute to the growth, livability and enhancement of our community.

Younge asked why the board could not recommend something against the code.

Dobrydney stated it should have some type of internal justification.

Muir feels that rather than be specific as to the number of signs and sizes, we could have simply suggested that the ZBA positively look at granting some form of relief and leave the decision up to them. The ZBA will be well aware of the heated discussions on this recommendation. The only thing they are looking for is if we are in favor of this, or in favor of sticking with the law. Perhaps the sign laws as they exist need to be changed, but the flexibility would be very difficult. We need some sort of guidelines. Muir stated that the staff recommendation (from day one) was very defensible and logical under any set of conditions.

Polzella said he welcomes discussion challenging his recommendations, however they need to be justified. There is no finding of fact as to why that motion was valid and why four people voted for it. Whether the applicant has the resources or not is not our consideration. She may find the resources. She has several options. It is her responsibility as a business person to figure out funding. We should not recommend anything, ever, solely on finances.

Motion to adjourn by Younge at 8:53pm, seconded by Byland, meeting adjourned at 8:54pm.

PLANNING BOARD
MEETING MINUTES
MAY 5, 2009

6:30PM
COMMUNITY CENTER

MEMBERS PRESENT: Lance Muir, Carl Masler, Jim Ormiston, Bob Byland, Scott Esty, Angela Piersimoni

MEMBERS ABSENT: Lee Younge

STAFF: Stephen Polzella, Director of Planning, Brenda Belmonte, Planning Secretary

GUESTS: Ted Ostrander, Don Gaylord, John Wren, Donna Wren, Don Getola, Ryan Benjamin, Marcia Hudock, John Hunter, Rod Prodonovich, MaryAnn Balland

Muir called the meeting to order at 6:30pm, noting Lee Younge was absent.

MINUTES

April 7, 2009

Motion to approve the minutes of April 7, 2009, as amended, by Esty seconded by Ormiston, Discussion:

Esty feels some of his statements regarding the Dairy Barn are not accurate and he suggests we strike them (Page 25). Esty also feels it does not include the entire discussion.

Muir asked what specifically is missing.

Esty stated he did not take notes, however he is specifically concerned about the two items he felt misrepresented him.

Polzella explained that the minutes are a representation of what the Planning Board Secretary heard and that she has and does an excellent job capturing as much information as possible.

Muir suggests if there are concerns in the future, please contact the office right away so they can be addressed.

Motion Carries 5-0, Masler Abstains

RESOLUTION P-2009-40
Ted's Produce Final Site Plan
Tax Parcel 66.04-3-30.3
96 Winters Rd., Elmira, NY

Resolution by: Esty
Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval on March 19, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS, the Town of Big Flats Department of Planning has provided a staff reports dated March 26, 2009 and April 28, 2009 to establish the following finding of fact :

- Proposed project is to obtain access from Winters Road with posted "Enter" & "Exit" signs
- A Driveway Permit from the Town of Big Flats has been obtained
- Proposed project includes electric and water service connections
- Proposed project does not call for the addition, alteration or expansion of any outdoor lighting
- Proposed project does not call for the intentional increase in noise to be produced
- Proposed project would utilize a 40' x 80' off-road gravel parking area for customer/employee parking
- The applicant plans to landscape around the parking area and the walking path
- Applicant may also utilize one "portable" sign on the property for a total of four (4) weeks per 12 calendar months. This type of sign would require a building permit
- Proposed action is to increase the impervious area on the site by 20% of the lot
- Proposed action should not create a significant increase in traffic on site. The applicant has estimated the seasonal customers to be 15-40 during peak hours
- Proposed action does not call for any additional utility services at this time
- Proposed action consists of a small-scale agricultural/retail operation, a use that typically does not create significant adverse environmental impacts; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board approved the Site Plan dated April 17, 2009 as the final site plan with the following conditions:

- Every effort shall be made to keep the display area visually neat and organized, including gravel being swept from Winters Road
- Directional Enter/Exit signs shall be used
- The applicant understands and agrees that an RPZ cross connection device shall be installed meeting all requirements with the installation of any permanent structures

- The location of any waste disposal containers and/or portable restroom facilities will be at the northwest corner of the site and will be screened with 6' high privacy fence and landscaping
- The Town of Big Flats Department of Planning shall be notified prior to any changes to the property and/or site plan

CARRIED: **AYES:** Esty, Byland, Muir, Piersimoni, Ormiston, Masler
NAYS:

Dated: Tuesday, May 5, 2009
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Ormiston referred to the definition of agricultural plant, and asked how any accessory products such as peat moss and fertilizer would be handled.

Polzella said that is addressed within the proposal. The definition captures both what he is going to grow and sell, as well as accommodating any other agricultural products.

Esty asked about the applicant being responsible for cleaning gravel from the road. Should that be contained in the resolution?

Polzella answered yes, that would be included in the final resolution.

Byland asked how the current portable sign coincides with the existing sign law.

Polzella said a 40sq ft (per face) sign can be utilized up to four weeks in any twelve-month period. The existing sign is a freestanding sign.

Piersimoni referred to staff comments regarding the SWPPP, and asked if that had been taken care of.

Polzella stated that the project involves an active flood development permit, acquired by John Wren, owner of the property.

Piersimoni asked about the surface water runoff reaching Winfield Creek.

Polzella said the applicant has stated that only all natural products will be used on site.

Esty complimented the applicant for putting up the fence.

Muir agreed, saying the idea is to discourage parking along the highway. It is a county road, and the town does not have the authority to put up no parking signs.

Polzella stated that Andy Avery would evaluate the parking. If needed, the county will utilize no parking signs on Route 64. This site will require a portable restroom and some type

of waste disposal facility. The board may want to consider what type of screening would be necessary for those items. Perhaps a 6ft high “L” or “U” shaped privacy fence could be used as a shield. Also, due to the recent rain, the parking lot may need to be rolled again soon.

Masler asked if there have been any comments from the County Health Department.

Ostrander said he has obtained a license. Once the business is open, the health department will inspect everything.

Masler asked if there would be an area for employees to wash up.

Ostrander said he would not be selling produce until he has permanent buildings (as funding allows).

Polzella stated that a temporary water supply has been discussed. Phase 2 will include a proper water service connection. The restroom will have a hand sanitizer system.

Esty asked the applicant how he intended to screen the dumpster and restroom.

Ostrander responded he would most likely use a 6’x 8’ fence. He may place the dumpster near Mr. Wren’s dumpster. It will be used mainly for cardboard products.

Piersimoni asked how many employees would be working there.

Ostrander said initially it would only be two. He may have three to five employees in the fall.

Getola / Benjamin Subdivision Concept

Polzella stated the staff report would be given to the applicants and to the engineer. The driveway information will need to be reviewed by the town DPW.

Esty is concerned with how steep the property is.

Don Getola, applicant, said there is only so much buildable area.

Polzella explained that the applicants have taken the steep slopes into consideration as shown in the grading plan and the accommodations to construct the proposed homes.

Byland asked if a well had been drilled yet noting it may be difficult to find a spot for drilling.

Polzella stated the Health Department has already granted approval.

Esty said perhaps the applicant could be creative and design the house to fit the contour.

Ryan Benjamin, applicant, explained they are considering a timber frame and will build it as green as possible.

Getola agreed, saying at least one foundation would need to be a walkout.

Byland feels that minimizing soil disturbance and having the house flow with the land could cause fewer problems with springs, etc.

Muir reminded the applicant they would need the SWPPP before going forward.

Rhodes Subdivision Concept

Polzella stated that staff has concerns with the slope of the driveway. Staff will be obtaining a review engineer to make sure it will be handled adequately, including the driveway standards.

Staff Comments

Polzella informed the board that Tri County Housing has received a letter indicating a non-significant site plan deviation for additional parking spots.

Simmons Rockwell has also received a letter indicating a non-significant site plan deviation, which involves a slight change in building size as well as moving some of the parking areas to comply with Nissan requirements.

Zoning Review

Polzella said any comments regarding the proposed design guidelines should be submitted by Friday, May 15, 2009. The consultant is working on the next set of integration of guidelines with the zoning law. Staff is working on sign law revisions. The idea is to provide more flexibility for signage compared to the current regulations; perhaps lowering the maximum aggregate area, but giving more leeway as to types and location. It is likely that the next planning board meeting will be followed by a public workshop to begin discussing the code revisions piece by piece. This will continue over the next few months.

ATT Tower Presentation

Rod Predonovich, representing the applicant, explained the proposal is for a 120' cell tower monopole, to be placed on property owned by Dave and Audrey Manchester. It would be placed approximately 300ft from the property boundary north of the residence. It is a flat open area, which would minimize tree removal (perhaps 10 or 12 trees).

Polzella noted this is in the Ridgeline Overlay District, therefore a RLO special permit would be required.

Predonovich explained that the monopole would be owned by Crown Castle, and could be used by a maximum of three carriers. The enclosure will be 60' x 60', and will include an equipment shelter with a backup self-contained diesel generator, which is mandated by the Katrina Act (The generator would run for three days in case of an

emergency). The applicant is hopeful that a site plan application will be presented at next month's planning board meeting.

Polzella asked if the applicant had any modeling or photo simulation available for better visualization.

Predonovich answered yes, he would be able to provide photo simulation.

Polzella wondered about the possibility of having 'tree-looking' towers.

Predonovich said they do exist; however they are three times the cost of standard towers, and are usually more for in-town use.

Polzella suggested the board review the information prior to the next planning board meeting. Ultimately there will be a tower sticking out beyond the tree line. Code calls for a maximum height of 120 ft or 50ft above the tree line.

Byland asked if there would be any aviation requirements.

Predonovich answered yes, they would be required to get approval.

Esty asked where the beacon on the hill is in relation to the proposed tower location. He feels that a light would also be needed on the tower.

Polzella stated that would most likely be addressed in detailed correspondence with Ann Crook, Airport Manager.

Esty asked why the Verizon tower works well for the valley whereas the ATT one does not.

Predonovich said it is very much dependent on the search radius.

Esty mentioned that all carriers would prefer one big tower however Verizon has accommodated its customers with several lower towers.

Ormiston asked if the application was for a tower and one antenna.

Predonovich stated it is for a tower for the ATT antenna. The tower itself would be owned by Crown Castle who can sublease to whom they wish.

Ormiston noted each antenna would require a new application.

Predonovich explained that a maximum of three carriers is allowed for the 120ft tower height. Most likely there would be only two carriers. Each antenna is required to be 10ft to 15ft apart.

Muir asked the estimated timeline of the project.

Predonovich said he hoped to be at the next planning board meeting with a site plan. The tower itself is pre-fabricated with no guy wires involved, so it would not take long to construct.

Member Comments

Esty complimented the town for having the graffiti removed from Kahler Road Bridge. He also asked if we have received any information regarding the Route 64 and Colonial Drive study results. He noticed there have been traffic counters on Route 64.

Polzella said a separate safety study is being conducted in that area.

Esty commented on Simmons Rockwell, Colonial Drive, saying he would encourage them to work with the Girl Scout property as to the shared driveway.

Polzella said the Girl Scout director had been reassigned, and Simmons has begun to work with the new staff.

Esty mentioned a potential traffic light there.

Polzella stated the studies have shown no need for a traffic light in the near future. That may change with the construction of the new hotels. It all depends on the peak traffic.

Motion by Esty, seconded by Byland to recess the Planning Board meeting at 7:32pm and go into Executive Session to discuss a personnel matter, Discussion, None, Motion Carries 6-0.

Muir called the meeting back to order at 8:15 pm

Upon completion of the executive session, the Planning Board has decided to forward a recommendation to the Town Board to appoint Mr. Dave Seely as the Planning Board Alternate Member. Mr. John Hunter was also reviewed as a potential member and the Board found both gentlemen to be very qualified. Mr. Seely had previous planning experience as a ZBA member. Mr. Hunter should be taken into consideration for any future vacancies.

Motion by Muir, seconded by Piersimoni to adjourn the meeting at 8:33pm, Discussion, None, Motion Carries 6-0.Meeting adjourned at 8:33pm.

TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES
JUNE 2, 2009



6:30PM
COMMUNITY CENTER
ROOM 'D'

MEMBERS PRESENT: Scott Esty, Jim Ormiston, Lance Muir, Lee Younge, Carl Masler, Dave Seely

MEMBERS ABSENT: Angela Piersimoni, Bob Byland

STAFF PRESENT: Steve Polzella, Director of Planning, Tom Dobrydney, Planner, Brenda Belmonte, Secretary

GUESTS: Chris Dean, Kim Lorson, Ken Lorson, Lindsay Mills, Jerry Welliver, Carolyn Welliver

Chair Muir opened the meeting at 6:30pm noting the absence of Angela Piersimoni and Bob Byland and introducing Dave Seely as the alternate, who will be sitting as a member tonight.

MINUTES

May 5, 2009

Motion by Ormiston, seconded by Esty, to approve the minutes of May 5, 2009.
Discussion, None, Motion Carries 4-0, Younge and Seely abstain due to absence.

RESOLUTION P-2009-41
Ken's Auto Expansion
Tax Parcel 66.02-2-61
100 Canal St., Big Flats NY

Resolution by: Esty
Seconded by: Younge

WHEREAS, this Board has received an application for resubdivision and site plan review on February 12, 2009; and

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal includes a simple alteration of lot lines and is thus deemed a resubdivision; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, May 26, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K subject to the following conditions:

1. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the revised plat, prepared in *final form* for final review by and signature by the Planning Board Chair or Director of Planning. This Resolution authorizes only the activities approved herein.
2. The applicant shall acquire all necessary permits.
3. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days and before any realty transaction occurs.

CARRIED: AYES: Esty, Ormiston, Seely, Younge, Muir and Masler
NAYS: None

Dated: Thursday, June 2, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

DISCUSSION:

Along with the site plan, the applicant is requesting a minor re-subdivision to acquire a small section of land from Chemung Canal Trust. An easement will exist allowing Chemung Canal to keep a freestanding sign along the highway. Staff recommends waiving the subdivision requirements and approving the site plan with conditions.

Esty asked if staff had seen the purchase agreement.

Lorson stated Attorney Pawlak is handling the agreement.

Polzella noted that the re-subdivision paperwork is in the office waiting to be signed.

Lorson explained he was waiting for tonight's approval before closing on the property.

RESOLUTION P-2009-42
Ken's Auto Expansion
Tax Parcel 66.02-2-61
100 Canal St., Big Flats NY

Resolution by: Younge

Seconded by: Seely

WHEREAS, this Board has received an application for resubdivision and site plan review on February 12, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS, the Town of Big Flats Department of Planning has provided a staff report dated May 26, 2009 to be forwarded to the applicant as the finding of fact through the preliminary review; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2009-41; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan stamped by the Town of Big Flats Planning Board May 21, 2009 as a preliminary plan; and

FURTHER RESOLVED, the Town of Big Flats will send this project to the Chemung County Planning Board for review

CARRIED: AYES: Esty, Ormiston, Seely, Younge, Muir and Masler
NAYS: None

Dated: Thursday, June 2, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

DISCUSSION:

Muir mentioned that we do not have a list of any hazardous materials that may be on site.

Lorson said some materials are considered hazardous because they are a business. If needed, he will provide a list to staff.

Muir stated they must be properly stored and handled.

Lorson said an inspection is done annually.

Muir asked if the fire department is satisfied with the proposed addition.

Lorson will offer the plans to the fire department for review.

Muir feels it would be wise to get them on board and make sure they have room to get in.

Chris Dean agreed, saying they could virtually drive a fire vehicle around the building to make sure it would fit.

Polzella suggested Dean stop in the office to review a few map items needing correction. Staff is waiting for a reply from DPW. The planning board may want to ask what vegetation is proposed in the buffer yard. Also, there is an issue with lighting on the north end of the parcel exceeding .2ft candle at the property line. Staff suggests noting on the drawings that any signs will comply with section 17.52 guidelines.

RESOLUTION P-2009-43

Mills RLO

Tax Parcel 68.00-1-13.4

55 Townsend Way, Elmira NY

Resolution by: Esty

Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Special Permit approval and Site Plan review on May 7, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting June 2, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, May 26, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the

proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, the Town of Big Flats Planning Board, based on submitted materials has determined the project will not have a significant environmental impact and has determined the project's landscaping plan, lighting plan and site plan will not need to be designed by a licensed architect and waives that requirement; and

FURTHER RESOLVED, the Town of Big Flats Planning Board has granted the following waivers related to this proposed action:

- 17.24.040 (C)(2)
- 17.24.040 (D)
- 17.24.040 (F)
- 17.24.040 (G)
- 17.24.040 (I)

CARRIED: AYES: Esty, Seely, Younge, Muir and Masler
NAYS: Ormiston

Dated: Thursday, June 2, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-44
Mills RLO
Tax Parcel 68.00-1-13.4
55 Townsend Way, Elmira NY

Resolution by: Seely
Seconded by: Masler

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Special Permit approval and Site Plan review on May 7, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting June 2, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2009-43; and

NOW THEREFORE BE IT RESOLVED, the Planning Board of the Town of Big Flats accepts the site plan dated May 7, 2009 as a preliminary plat with the following conditions:

- Submit noise information for 80' from the system or relocate the tower on the property to observe the noise requirement of 55 db at the property line
- Submit a final site plan indicating, at a minimum, the location of the tower and an accessory structures/facilities, the limits of any necessary grading, the location of silt fence to be utilized during construction and the location of the high voltage warning sign
- Submit verification of engineering of the foundation and tower support
- Submit verification of the actual height above grade of the WECS, the length of the blades to be installed, the type of tower to be installed, the height of any climbing ladders above finished grade and any approvals required by the FAA/FCC or any other agency
- Submission of a construction schedule including a general timeline of the installation process

CARRIED: AYES: Esty, Seely, Young, Muir and Masler
NAYS: Ormiston

Dated: Thursday, June 2, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

DISCUSSION:

Ormiston is puzzled by the applicant's decision to use a conventional 3-blade windmill. He asked if Mills had actually studied the various methods and wondered why he had concluded that the vertical was not to his benefit.

Mills explained that he got involved with windmills because there are federal grants being offered to those that are qualified by NYSERDA (NYS Energy Research Development Authority). Mills also stated his desire to purchase a turbine manufactured in the US. The company he chose has had units in operation for 30 years with no maintenance. There are merits of the vertical, which are less cost effective to the user. The higher the cost of the unit, the higher the cost to the owner. With the wind speeds on his property, his use will be nearly zero. This is not a commercial application; it is listed by NYSERDA as a residential system.

Ormiston said it would ease his concerns to know that it is residential versus commercial.

Young, noting that the applicant would be getting federal money, asked if he was planning to sell to others in the future. She is concerned that the applicant's house would become a 'showroom', thereby drawing a large number of people (traffic) to see the windmill.

Muir stated that is not the board's concern at this time.

Mills said there is a lot more information available than what he can offer at his home. With the NYSEDA rebate and tax credit the payback is approximately 9 years. He will generate free electricity for the rest of his life as long as he lives there.

Younge said NYSEG does not seem to think there would be enough wind in that area.

Muir stated it is not for this board to redesign this gentleman's project.

Younge disagrees, saying the board should be involved because it will affect the people of the town.

Polzella explained that the proposal is being presented to the planning board because it is located in the RLO. Very few people will see it. It is not in violation of the RLO. The tower will be located on the other side of the ridge from what is protected in the RLO. Actually, the FAA towers nearby will be higher. Polzella feels that the board could waive some requirements while keeping those that should be upheld.

Younge asked the location of the closest neighbor, and was told several hundred feet.

Esty stated there has been some concern about the windmills killing birds.

Younge said that is typically migrating birds, mostly near Lake Erie.

Esty asked if the windmill is required to be a certain distance from any structure.

Polzella replied yes, saying that item has been addressed in the staff report pictures. The proposed location is well over 100ft from the structure. The final site plan will include a more detailed description of the location as well as any structures needed for maintenance.

RESOLUTION P-2009-45 **Sponsor Zoning Amendment**

Resolution by: Younge
Seconded by: Ormiston

WHEREAS, Town of Big Flats Department of Planning in conjunction with the Town of Big Flats Planning Board have drafted a zoning amendment; and

WHEREAS, a memo dated May 26, 2009 discussing proposed amendment has been drafted; and

WHEREAS, Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment; and

WHEREAS, Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements and districts established in the BFZL; and

NOW, THEREFORE BE IT RESOLVED, to make recommendation to the Town of Big Flats Board to Amend the Town of Big Flats Zoning Law as specified in a Memo dated June 3, 2009 to the Town of Big Flats Town Board

CARRIED: **AYES:** Esty, Seely, Ormiston, Younge, Muir and Masler
NAYS: None

Dated: Thursday, June 2, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

DISCUSSION:

Polzella stated that currently windmills are only presented as a principal use. When an applicant applies, they fall under accessory use other than those listed in the table. That would mean if it were associated with a residential use, it would be permitted as of right. The site plan process along with code enforcement would ensure that everything is in compliance. Mills obviously was permitted, but had to go through the site plan process due to being in the RLO.

Ormiston does not agree – he feels it is too general. These systems range from large commercial 3-blade systems including wind farms, to having something attached to the roof of your home.

Esty asked if this would allow that as an accessory use.

Polzella stated it would fall back on the current requirements. In that case it could be permitted as of right.

Muir feels this will give us the flexibility to review the proposal and question the applicant.

Ormiston's opinion is we are setting an example, making our job more difficult. He feels we are not properly prepared with our codes to handle this, and we need outside consultants for review.

Esty, noting that the RLO requirements apply to new construction, asked what about existing? Would that be allowed to come before us? Is there anything in town law restricting these wind energy conversion systems?

Polzella stated that the RLO is not intended to be a restrictive law, but a review process to verify any potential impacts and mitigation needed.

Esty feels that once residents know they could get free electricity, there will be more wanting them. Could staff research other town laws so we could be better prepared for future applications?

Polzella said the vertical systems are on the cutting edge of design. It will probably come to the forefront, but most likely not any more than solar panels have. There are only a handful of systems that the government is willing to pay for.

Younge asked if NYSEERDA is the state agency that compares all models. Perhaps we could invite a representative to provide a presentation.

Muir referred to a memo giving board members the opportunity to use GIS. Please contact staff with any questions.

Polzella said the use of GIS could develop so that any changes would be noted by email to each member, giving specific details and directions.

Polzella stated that he and Tom Dobrydney have thoroughly reviewed the sign law. The basic purpose of the proposed change is to provide flexibility to the marketing operation of businesses in exchange for reduction of overall footage. Some language has been added and some language has been changed. Any changes have been noted on the draft. In regard to flashing signs, a section has been added for 'changeable' signs (electronic as well as manual). Polzella reviewed the definition and discussed issues related to illumination and cycles per minute for flashing signs. Currently there are flashing signs at Dunkin' Donuts and Kost Tire.

Esty commented that several banks have lighted signs showing temperature and time.

Polzella stated the general practice is that they are exempt. Time and temperature are a public service.

Dobrydney noted that Christmas lights are decorations, not signs. Signs have some type of message.

Muir stated that a big flashing Santa Claus is as troublesome as other signs.

Ormiston asked about temporary signs, for example a blimp representing a sale.

Polzella stated that temporary signs have been addressed. He asked the board to please review the entire code. Members should make comments on their individual sheets, sign them and return to staff at the next meeting.

Dave Seely asked what if Chemung Canal decided to have a traveling sign in front of the bank.

Polzella said that is not permitted.

Seely then asked what if it was not facing the road?

Polzella said no flashing signs are permitted.

Esty mentioned that DOT places flashing signs on the roads. They are scrolling signs that provide a message that is useful. Also, quite a few businesses in town use 'Open' signs similar to those that Sam's Club offers; they are flashing neon signs.

Polzella noted that when staff sees them the individual is notified that they are not permitted. They are capable of being switched to stay on permanently. NYS DOT has governmental exemption.

MEMBERS COMMENTS

Younge asked if the Amish Workshop is in compliance with the site plan.

Polzella stated that the applicant is a little outside his site plan.

Younge feels it was very organized at first. Now there are items all over the place.

Muir feels it needs to be addressed now. The problem is the specificity on what was agreed to.

Polzella stated the agreement was written in the decision; the items were to be strategically placed.

Younge realizes that Mr. Bill looks at it from the seller perspective whereas we look at it as the town's entrance.

Polzella said he would meet with Mr. Bill to discuss the issue.

Younge commented on Ted's Produce being open for business.

Polzella has noticed it is quite muddy when it rains, but the grass is growing. The architect is working on Phase 2. Ostrander will be presenting his proposal in the near future.

Ormiston asked if Simmons Rockwell is making any changes.

Polzella said Chair Muir has signed off on the change of the building. They have applied for their building permit and will be breaking ground soon.

Esty asked about any progress with Candlewood Inn.

Polzella has inquired via email and has not yet received a reply.

.

Motion to adjourn at 7:43pm by Younge, seconded by Esty, Discussion, None, Motion Carries 5-0.

PLANNING BOARD
MEETING MINUTES

JULY 7, 2009

*Filed with
Town Clerk
July 13, 2009*

**BIG FLATS TOWN HALL
MEETING ROOM
6:30PM**

Members Present: Angela Piersimoni, Jim Ormiston, Dave Seely, Scott Esty, Bob Byland, Carl Masler, Lee Younge

Members Absent: Lance Muir

Staff Present: Steve Polzella, Director of Planning, Tom Dobrydney, Planner, Brenda Belmonte, Secretary

Guests: David Kagle, Donald Gaylord, Kim Lorson, Ken Lorson, Carolyn Welliver, Jerry Welliver, Ryan Benjamin, Tina Lando, Chris Dean, Donna Wren, John Wren, Rod Prodonovitch

Vice Chair Piersimoni opened the meeting at 6:30pm noting Chair Muir was absent.

Minutes

June 2, 2009

**Motion by Ormiston , seconded by Masler, to approve the minutes of June 2, 2009,
Discussion; None, Motion Carries 4-0, with Masler, Piersimoni and Byland abstaining.**

**RESOLUTION P-2009-46
Kens Auto Expansion Site Plan
Tax Parcel # 66.02-2-61
Canal St.**

Resolution by: Younge
Seconded by: Seely

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board found and made a negative declaration of significant environmental impacts, Resolution P-2009-42; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board grants final site plan approval with conditions; and

FURTHER RESOLVED, the following conditions are now hereby made a part of this approval:

- Comments of the June 30, 2009 Staff Report addressed
- Comments of the June 30, 2009 letter from Town of Big Flats DPW addressed
- **Updated Final Plan** – Applicant shall submit a new set of drawings, updated as per the Town of Big Flats Staff Report dated June 30, 2009, for endorsement before obtaining a building permit. The Applicant shall provide 1 mylar and 4 large prints for endorsement. The Applicant shall also submit a digital copy in TIF format
- **Stormwater Management** – Applicant shall utilize Best Management Practices for Construction
- **Signage** – All signage on the property shall comply with Town of Big Flats Municipal Code 17.52 and obtain the appropriate permits from the Town of Big Flats
- **Lighting** – Type and location of all exterior lighting shall be designed and installed pursuant to Section 17.36.240 of the Town of Big Flats Municipal Code and the approved lighting plan, sheet C-5
- **Landscaping** – All landscaping shall be maintained by the applicant, its successors, transferees and assigns in perpetuity
- **Access/Utilities** – Applicant shall provide the Director of Planning with a copy of *all* easements (including but not limited to water, sewer and stormwater) in place prior to obtaining a building permit
- **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
- **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation
- **Construction/Site Prep** – *No action related to this site plan shall occur prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
- **Final Site Plan Endorsement** – All conditions, not related to a building permit or a Certificate of Occupancy, shall be met prior to final site plan endorsement.

- **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

Discussion:

Piersimoni asked for an explanation of the noted change in parking (less spaces).

Chris Dean, of Hunt Engineers, said additional turning space is needed for vehicles as they exit the wash bay. Sufficient space is also needed to allow emergency vehicle access.

RESOLUTION P-2009-47
Mills Variance Referral
Tax Parcel # 68.00-1-13.4
55 Townsend Way

Resolution by: Esty
Seconded by: Byland

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a “Maximum Allowable Height” variance on July 7, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation for approval.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge
NAYS: Ormiston

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Angela Piersimoni
Vice-Chairman, Planning Board

Discussion:

Polzella explained that this application had received preliminary site plan approval at last month's meeting. After review of the engineered drawings, it was apparent that the height was proposed at 93ft instead of the allowable maximum of 80ft. Therefore a referral to the ZBA is required.

Esty questioned whether it was the actual tower or the blade that exceeded the allowable height.

Dobrydney stated that the distance of the blade above the tower is also counted.

Staff presented the digital simulation showing that only a very small portion of the tower would be seen from a few areas.

Piersimoni asked if the applicant would be required to paint the tower an earth tone.

Polzella replied no, due to the location and the limited visibility.

Staff recommends sending a favorable referral to the ZBA for approval.

RESOLUTION P-2009-48
Lando Site Plan and Variance Referral
Tax Parcel # 58.03-1-4
1073 CR 64

Resolution by: Ormiston
Seconded by: Seely

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of a "Minimum Lot Area" variance and request for site plan approval on July 7, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted as of June 19, 2009 the applicant in support of the proposed action, has considered the comments of its staff report, June 30, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration;

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation for approval and table the site plan review pending action of the Town of Big Flats Zoning Board of Appeals.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

Discussion:

Polzella explained that the applicant is applying for this variance in an effort to make this property usable. A full staff review has been provided recommending a favorable referral for a conditional area variance due to the type of business proposed (general or professional office space).

Piersimoni questioned the driveway access.

Polzella explained that the driveway is shared with the neighboring storage units.

Byland asked if this would be confined to office use only.

Polzella answered yes, the recommendation is for the variance to be granted only for the proposed use. Any other use would need to come before this board again.

Esty, noting this is in the BR zone, asked if residential use is allowed there.

Polzella answered no. It has been vacant for over one year as residential; therefore it has lost that pre-existing non-conforming use.

Esty and Younge expressed concern regarding the traffic on County Route 64.

Polzella said it could be addressed in the conditions associated with site plan approval.

Younge referred to the proposal stating the need for 2 – 3 1/2 parking spaces.

Tina Lando, applicant, stated that is the number of spaces required by code for the size of the building.

Polzella stated that this request is to market the property as a business use office. Any conditions could be required in the site plan prior to issuing an operating permit.

Esty stated that he has used the neighboring storage unit. Traffic is moving at 55mph. Turning right is not an issue, but turning left is nearly impossible.

RESOLUTION P-2009-49
Econo Lodge Sign Variance SEQR
Tax Parcel # 57.04-1-7.131
CR 64

Resolution by: Younge
Seconded by: Esty

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted as of June 19, 2009 the applicant in support of the proposed action, has considered the comments of its staff report, June 30, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

Discussion:

Polzella explained that town code prohibits rooftop signs. He then reviewed the five variance criteria as listed in the staff report. Polzella stated that a sign law draft is in

progress, which will require all non-conforming signs to be removed or to come into compliance within a 5-year time period.

Younge referred to the applicant's statements saying the proposed sign is for the purpose of positively identifying the hotel and that current signage does not identify it clearly enough.

Polzella stated that is their response to the criteria questions.

Esty, saying the Econo Lodge has been there for many years, feels they obviously have a track record of people not finding them. He has had friends who have not been able to find it.

Polzella said staff recommends a referral to deny the request as submitted, but to recommend alternatives. Part of this request may be eliminated in the future with the adoption of the new sign law. The town is looking to increase the number of allowable façade signs in the new law.

Byland asked if the sign on the entranceway could be modified to make it more attractive.

Polzella explained that the applicant has considered options in the past. This is the option they have chosen to go forward with.

Esty feels some of us think of rooftop signs similar to the Old Reed's Tavern sign on Route 17. That is not what the applicant wants. They could have had a taller wall on the side up to the roof area. This is actually penalizing them for not constructing their roof in that way. In terms of marketing, this is important to them; enough so that they have been talking about it for quite some time.

Piersmoni asked if the current sign at the end of the ramp could spell out Econo Lodge instead of having a symbol. That may be helpful, as the symbol is somewhat unrecognizable.

Polzella said another issue is the visibility of that side of the building when coming up the ramp and when driving south on Chambers Road.

Byland asked if any other non-conference facilities in that area had roof signs, and if the proposed new sign law would allow them.

Polzella answered no. He referred to a gas station in East Corning that has intermittent signs on the roof; essentially a billboard on the roof. That is another example of why roof signs are not wanted.

RESOLUTION P-2009-50
Econo Lodge Sign Variance Referral
Tax Parcel # 57.04-1-7.131
CR 64

Resolution by: Byland
Seconded by: Seely

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of two signage variances on July 7, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination with recommendation for denial as submitted, however, with a suggestion the ZBA table the request to provide the applicant an opportunity to submit alternatives.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

Discussion:

Esty's concern is that the proposal to the ZBA appears as if it is a proposal that staff, 'as their new marketing manager', is coming up with. He then asked the cost of the sign referral application, and Polzella replied \$1000. Esty then asked if a different proposal would cost an additional \$1000.

Polzella answered no, they would be given time to submit a new proposal if they asked.

Ormiston feels that the freestanding sign to the north is out of place and has no significance. You can barely see it. Perhaps they should consider relocating it.

Dobrydney explained it is a pre-existing non-conforming sign. Also, the north façade would not get any notice from those coming from the east.

Byland stated it is not our job to solve their problem. Perhaps we could suggest to the ZBA that the applicants work with staff on a proposal that would comply with code.

Polzella asked Byland if he agreed that this request should be denied as submitted.

Byland answered yes, and to suggest they work with staff to come up with other ideas.

Esty feels the problem they have is that the building has no façade space.

Polzella referred to a very similar building in the Town of Erwin, where they have put their signs in between the windows and made it work.

Esty said that the applicant has been trying for the past several months to find something that complies. Now they are asking for a variance, since what they have come up with does not comply. Whatever they would come up with would most likely require a variance.

Polzella explained that staff has tried to give them the benefit of the doubt, suggesting they re-examine their application, however they declined.

RESOLUTION P-2009-51
CR 43 Re-subdivision

Resolution by: Younge
Seconded by: Ormiston

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal is a simple alteration of lot lines and is thus deemed a resubdivision; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, June 30, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K and grant final subdivision approval subject to the following conditions:

1. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the revised plat, prepared in *final form* for final review by and signature by the Director of Planning. This Resolution authorizes only the activities approved herein.
2. The applicant shall acquire all necessary permits.

3. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days of endorsement and before any realty transaction occurs.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

RESOLUTION P-2009-52
Kenney Re-subdivision
Tax ID # 48.03-4-25
50 Brookwood Hills Dr.

Resolution by: Esty
Seconded by: Seely

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal is a simple alteration of lot lines and is thus deemed a resubdivision; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, June 30, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K and grant final subdivision approval subject to the following conditions:

4. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the revised plat, prepared in *final*

form for final review by and signature by the Director of Planning. This Resolution authorizes only the activities approved herein.

5. The applicant shall acquire all necessary permits.
6. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days of endorsement and before any realty transaction occurs.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

RESOLUTION P-2009-53
Getola/Benjamin Subdivision
Tax Parcel 77.00-1-45
Coleman Ave.

Resolution by: Byland
Seconded by: Esty

WHEREAS, this Board has received an application for subdivision review; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for August 4, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, June 30, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

RESOLUTION P-2009-54
Pyramid Tower Site Plan
Tax Parcel 47.04-2-2.2
62 Beacon Lane

Resolution by: Seely
Seconded by: Ormiston

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary site plan at its regular meeting July 7, 2009; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board, based on submitted materials and with consent of the applicant, tables the action pending the following:

- Submission of required information as outlined in the June 30, 2009 Staff Report.

CARRIED: AYES: Piersimoni, Seely, Esty, Byland, Masler, Younge, and Ormiston
NAYS:

Dated: Tuesday, July 7, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Angela Piersimoni
Vice-Chairman, Planning Board

Polzella noted that Rod Prodonovich is here from Pyramid Network Services to address any questions or concerns. He has reviewed the staff report and is aware of what will be required for the next meeting. This proposal will involve a very minor tree cut along with the required 12ft fencing. Prodonovich has submitted a series of photo simulation for board review.

Younge asked if the use of a tree tower was the only option.

Prodonovich replied no, the pole could be textured in some fashion. Also, it could be painted. The difficulty with painting is in choosing a color; sometimes it looks worse than if it was left alone. The Adirondacks area has settled on a charcoal gray - the most neutral color there is. He has seen them painted brown, blue, and half of each, and sometimes they look much worse.

Younge feels that when there are no leaves on the trees, a tree tower could look worse.

Prodonovich agreed, saying tree towers are practical in areas where you don't need a lot of height – for example a college campus. It works best if you have an artificial pine tree next to a real one. He also noted that the proposed tower could be seen in only 6 out of 24 sites on the photo images.

Polzella asked about the need for a 120' tower as opposed to the 100'.

Prodonovich said they could run a study and find out if a 100' tower would create the needed coverage. When you limit the tower height, you limit the co-location towers.

Esty commented that when Verizon put their tower on Co Rte 64, they were required to make it co-usable. Now they are saying that would not work. Who would want to co-use the proposed tower?

Prodonovich explained that each cell company is filling in their gaps. There are a lot of duplicate use towers.

Piersimoni asked about the AT&T tower off Curren Road.

Prodonovich said if it is 2 or 3 miles from this proposal that is pretty much the limit of coverage.

Esty asked how this specific location was chosen.

Prodonovich stated that the chosen spot is a current timber harvest area. They would be making use of an existing logging trail. Only 12 trees would need to be removed, a couple of which are already dead, which minimizes the amount of tree removal. Also, having only one driveway is good for security reasons.

Sign Law Update

Staff will summarize all comments received. On July 24th the Zoning Update Committee will meet and review the proposed law along with those comments. A rough draft will be composed for the Planning Board to be sent to the Town Board for approval. Behan continues to work to analyze all input received. The scope has been finalized. A memo was distributed on May 19th requesting any suggested changes.

Members Comments

Esty questioned the amount of PODS at Schweizer.

Polzella explained that Schweizer is permitted to have as many as 15,000sq ft, so they are asking for just 1/10th of what is allowed. In Schweizer's case it will be a month-by-month lease as needed.

Esty then asked about the status of the Girl Scout entrance and Simmons Rockwell.

Polzella has spoken to Jamie Gensel. They are still waiting for a meeting. Also, Simmons Rockwell is looking to add a second building on Colonial Drive in the near future.

Motion to adjourn at 8:05pm by Younge, seconded by Byland, Discussion; None, Motion carries 6-0.

Meeting adjourned at 8:06pm.

TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES
AUGUST 4, 2009

*Filed with
Town Clerk
August 11,
2009*

6:30PM
TOWN HALL MEETING ROOM

Members Present: Carl Masler, Lee Younge, Angela Piersimoni, Lance Muir, Scott Esty, Bob Byland

Members Absent: Jim Ormiston

Staff Present: Stephen Polzella, Director of Planning, Brenda Belmonte, Secretary

Guests: Thomas Rhodes, Lindsay Mills, Ryan Benjamin, Karin Benjamin, Rod Prodonovitch, Joe DeGeorge, James GEnsel

Chair Muir called the meeting to order at 6:30pm, noting Jim Ormiston was absent.

Minutes

July 7, 2009

Motion by Byland, seconded by Piersimoni, to approve the minutes of July 7, 2009, Discussion, None, Motion Carries 6-0.

**PUBLIC HEARING
GETOLA BENJAMIN SUBDIVISION
TAX PARCEL 77.00-1-45**

Chair Muir opened the Public Hearing at 6:31pm noting it had been duly published in the Star Gazette.

Speaking for:
None

Speaking against:
None

Public Hearing closed at 6:32pm

RESOLUTION P-2009-55
Getola/Benjamin Subdivision
Tax Parcel 77.00-1-45
Coleman Ave.

Resolution by: Esty
Seconded by: Masler

WHEREAS, this Board has received an application for subdivision review; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board conducted a Public Hearing on Preliminary Plat on August 4, 2009; and

WHEREAS, the following are finding of fact:

- A. The Subdivision Drawing is generally complete and technically adequate
- B. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- C. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will be safe and convenient for travel.
- D. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- E. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board found no significant potential adverse environmental impact and therefore issued a Negative Declaration on July 7, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of final endorsement
- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- D. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

WHEREAS, the following are terms prior to obtaining a building permit:

- A. Three (3) complete copies of the endorsed and recorded subdivision plans and one (1) certified copy of the following documents: recorded subdivision approval, individual septic approval, driveway access permit from the Town of Big Flats DPW, and any other documentation needed by the Building and Code Department

- B. A plot plan for the lot in question must be submitted, which includes all of the following:
 - a. location of the structure
 - b. location of the driveways
 - c. location of the septic systems
 - d. location of all water and sewer lines
 - e. location of wetlands and any site improvements require
 - f. any grading called for on the lot
 - g. all required zoning setbacks
 - h. Location of any drainage, utility and other easements
- C. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- D. Lot numbers, visible from the roadways must be posted on all lots

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings and be visible from the road
- C. There shall be no driveways placed where stone bound monuments and/or catch basins are to be set. It shall be the developer's responsibility to assure the proper placement of the driveways regardless of whether individual lots are sold. The Planning Board requires any driveway to be moved at the owner's expense if such driveway is at a catch basin or stone bound position
- D. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions

WHEREAS, the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Planning Board
- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board

WHEREAS, the following are terms prior to any site work:

- A. Yellow "Caution" tape must be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and/or Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches

WHEREAS, the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays

NOW, BE IT THEREFORE RESOLVED, to grant preliminary and final conditional subdivision approval to Mr. and Mrs. Donald Getola and Mr. and Mrs. Ryan Benjamin 452 Cypress St. Elmira, NY 14904 Holden.

CARRIED: AYES: Esty, Byland, Piersimoni, Younge, Muir and Masler
NAYS: None

Dated: Tuesday, August 4, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella noted the conditions needed for final approval as listed in the staff report. These items will be forwarded to the applicant and/or engineer. Staff recommends final conditional approval.

RESOLUTION P-2009-56

Mills RLO

Tax Parcel 68.00-1-13.4
55 Townsend Way, Elmira NY

Resolution by: Younge
Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Special Permit approval and Site Plan review on May 7, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting June 2, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution P-2009-43; and

WHEREAS, the following are finding of fact:

- F. The applicant intends to construct a 93 ft. Residential Wind Energy Conversion System as an accessory use to his residence
- G. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- H. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- I. The Planning Board has determined the proposed project was “not to create a significant visual impact” (RESOLUTION P-2009-44)
- J. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- K. The exact location of the proposed project should not be located along or projecting above the ridge
- L. The proposed project, as submitted, is to possess a structure with a maximum height below 93 as per a variance granted by the Zoning Board of Appeals of the Town of Big Flats (RESOLUTION ZBA-14-2009)
- M. The applicant has indicated that no clearing will be done

WHEREAS, the following are terms prior to obtaining a building permit:

- E. All necessary permits and approvals for the project in question shall be obtained from any involved agency

NOW, BE IT THEREFORE RESOLVED, that the Planning Board of the Town of Big Flats hereby grants final conditional approval with the following conditions:

- Comments of the July 28, 2009 Staff Report addressed
- **Stormwater Management** – Applicant shall utilize Best Management Practices for Construction
- **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
- **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation

- **Construction/Site Prep** – *No action related to this site plan shall occur prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
- **Final Site Plan Endorsement** – All conditions, not related to a building permit or a Certificate of Occupancy, shall be met prior to final site plan endorsement.
- **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment

CARRIED: AYES: Esty, Byland, Piersimoni, Younge, Muir and Masler
NAYS: None

Dated: Tuesday August 4, 2009
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Discussion:

Polzella stated that the ZBA had granted a variance for height and listed the conditions as noted in the staff report.

Esty asked if the roads could accommodate the vehicle needed to deliver the largest piece of the windmill.

Mills said it will be delivered on a standard truck which would not require any special highway permits.

RESOLUTION P-2009-57

Lando Site Plan

Tax Parcel # 58.03-1-4

1073 CR 64

Resolution by: Younge

Seconded by: Esty

WHEREAS, the Town of Big Flats Planning Board received an application for site plan approval; and

WHEREAS, the Town of Big Flats Zoning Board of Appeals has denied the request for an area variance, Resolution ZBA-13-2009; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board, based on the outcome of the Town of Big Flats Zoning Board of Appeals, tables the action pending the following:

- Correspondence from the applicant to determine the status of the application

CARRIED: **AYES:** Esty, Byland, Piersimoni, Younge, Muir and Masler
NAYS: None

Dated: Tuesday, August 4, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella explained that this site plan was contingent on an area variance request, which was denied by the ZBA at their July 28, 2009 meeting. The available land was .48 acres with a requirement of 3 acres. The applicant could withdraw or the board could remove it by resolution.

RESOLUTION P-2009-58
Pyramid Tower Site Plan
Tax Parcel 47.04-2-2.2
62 Beacon Lane

Resolution by: Esty
Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Planning Board received an application for Ridgeline Overlay District Special Permit approval and Site Plan review on June 17, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the preliminary materials at its regular meeting July 7, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted as of August 4, 2009 the applicant in support of the proposed action, has considered the comments of its staff report, July 28, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

WHEREAS, the following are finding of fact:

- N. The applicant intends to construct a 93 ft. Residential Wind Energy Conversion System as an accessory use to his residence
- O. The proposed project is to occur on an existing conforming lot that is partially within the Ridgeline Overlay District
- P. Such district requires the applicant to go through site plan, special permit, and to perform a visual impact assessment
- Q. The Planning Board has determined the proposed project was “not to create a significant visual impact” (RESOLUTION P-2009-44)
- R. The applicant has shown the location of building sites and vegetation to be cleared on their site plan
- S. The exact location of the proposed project should not be located along or projecting above the ridge
- T. The proposed project, as submitted, is to possess a structure with a maximum height below 93 as per a variance granted by the Zoning Board of Appeals of the Town of Big Flats (RESOLUTION ZBA-14-2009)
- U. The applicant has indicated that no clearing will be done

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, that the Planning Board of the Town of Big Flats hereby grants a ridgeline overlay district special permit and preliminary/final conditional approval with the following conditions:

- Comments of the July 28, 2009 Staff Report addressed
- **CO-Location** – The applicant has acknowledged the opportunity and intention to pursue co-location with other service providers
- **Color of Tower** – The Town of Big Flats Planning Board and the applicant have agreed upon the following color for the tower: “Flat, Brushed Metal”
- **Stormwater Management** – Applicant shall utilize Best Management Practices for Construction
- **Property Maintenance** – The property shall be maintained pursuant to all state and local property maintenance laws
- **Construction Sequencing Plan** – Applicant will submit a construction sequencing plan to the Director of Planning prior to obtaining a building permit
- **As-Built Drawings** – The applicant shall provide to the Town of Big Flats final paper drawings and one digital copy certified by the design engineer reflecting as-built conditions showing any deviations from the approved site plan and all utility connections prior to obtaining a certificate of occupancy
- **Failure to comply** – Failure to comply with any condition of this approval, or any provision of the Town Municipal Code related to this application, shall constitute a violation subject to enforcement by legal action and shall render this approval null and void upon finding of such violation

- **Waivers** - The Town of Big Flats Planning Board has granted waivers from the following sections of the BFZL:
 - 17.24.040 (C)(2)
 - 17.24.040 (D)
 - 17.24.040 (F) (waiver from landscape architect requirement due to the location of the proposed project)
 - 17.24.040 (G) (waiver from design professional requirement due to the location of the proposed project)
 - 17.24.040 (I)
- **Construction/Site Prep** – *No action related to this site plan shall occur prior to final site plan endorsement.* Construction activities shall only occur between the hours of 7:30 a.m. and 6:00 p.m. Monday through Saturdays and not on Town holidays.
- **Final Site Plan Endorsement** – All conditions, not related to a building permit or a Certificate of Occupancy, shall be met prior to final site plan endorsement.
- **Modification** – Any deviation from the approved site plan requires written approval from the Director of Planning and may require a site plan amendment

CARRIED: AYES: Esty, Byland, Piersimoni, Younge, Muir and Masler
 NAYS: None

Dated: Tuesday August 4, 2009
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
Chairman, Planning Board

Discussion

Polzella noted that the staff report lists the conditions required for approval.

Piersimoni referred to notes on the drawing that mention a buildout date of 2014. Are there two more towers proposed?

Prodonovitch said it is proprietary. If two towers in that area have less than satisfactory coverage, something would need to be done. It could be a new tower, or may coexist on a tower or existing structure.

Piersimoni asked if there were currently any commitments from other carriers.

Prodonivitch answered no.

Younge asked what color tower had been chosen.

Prodonovitch said that is the board's decision, however his choice would be the black galvanized metal which is a flat gray.

Piersimoni asked if the transformer is actually located outside of the fenced area as shown on the drawings.

Prodonovitch said yes, so that the utility company has access when needed.

Esty asked about the tower height.

Polzella said a lower height would seriously limit the possibility of location. Staff recommends approval at the proposed height and granting conditional preliminary and final approval.

Piersimoni asked if we could assume there would be additional small towers in the area in the future.

Younge asked if the town could force others to locate on already existing towers.

Prodonovitch said he currently has five Verizon tower sites he is trying to co-locate on. Verizon owns and operates the majority of their towers, so even if the town suggests they co-locate it may not happen. Crown communications will own this tower. A co-location application will be able to be submitted via the internet.

Esty recalled that that Verizon was specifically approved with the condition to accommodate others.

Prodonovitch said it is not in the right location. Also, it is much more difficult to work with Verizon as opposed to a company like Crown.

Esty asked if the approval would mention that the tower would be co-locatable.

Polzella stated it could be listed as a condition, however he is not sure it would be a reasonable one.

Esty would like the verbal commitment shown in the approval; that they would agree to let others co-locate if the occasion arises or if the request is made.

RESOLUTION P-2009-59

ST. Pauly Textile

First Presbyterian Church of Big Flats

Tax Parcel # 66.04-3-49

Resolution by: Younge

Seconded by: Masler

WHEREAS, The Town of Big Flats Planning Board has receive and application for site plan approval on June 24, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the site plan at its regular and has evaluated several considerations; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted as of August 4, 2009 the applicant in support of the proposed action, has considered the comments of its staff report, July 28, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW, THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declares itself as lead agency and determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

FURTHER RESOLVED, the Town of Big Flats Planning Board accepts the July 28, 2009 Staff Report as finding of fact and grants preliminary/final site plan approval with the following conditions:

- Every effort shall be made to keep the area visually neat and organized
- The applicant shall designate a point of contact to the Director of Planning
- There shall be no items outside of the storage shed for more than 24 hours
- The approval shall be reviewed annually at the August Planning Board meeting to determine any necessary action including, but not limited to, revocation of approval
- The Town of Big Flats Department of Planning shall be notified prior to any changes to the property and/or site plan.

CARRIED: AYES: Esty, Byland, Piersimoni, Younge, Muir and Masler
NAYS: None

Dated: Tuesday, August 4, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Joe DeGeorge of St. Pauly was present along with Tom Rhodes to represent the project.

Younge asked the applicant what would be done if the shed overflowed on a Saturday or Sunday.

DeGeorge said that has happened before, especially when the shed was new. Within the first three weeks it was emptied three times per week. De George stated that St. Pauly's

name is on the shed as well as the church's name, so it is a concern for everyone. Once the sheds are brought in, we are a part of your community.

Rhodes commented that the church itself could store any overflow for a period of time.

Byland asked about any non-clothing items that are dropped off.

Rhodes stated that anything usable would be placed in the church's rummage sale. Anything else would be disposed of.

DeGeorge noted that as long as people know up front that only clothing is accepted, that is usually what they give. During 13 years, only two pieces of furniture have been left outside. Other than that there have been no issues.

Piersimoni asked who are the beneficiaries of the donations?

DeGeorge said the clothing is used all over the world. However, charity starts at home; if someone in the community needs it, they should have it.

Esty referred to the Salvation Army's container at the mall where people would drop their garbage.

DeGeorge said that does not happen when they are working with local organizations such as churches and scouts, etc. People tend to respect it when it is on those properties. Nobody has ever ask them to remove their shed. They do it right the first time.

RESOLUTION P-2009-60
Simmons Rockwell Colonial Drive
Site Plan Amendment
Tax Parcel 58.01-2-35.11

Resolution by: Younge

Seconded by: Seely

WHEREAS, this Board has received an application for site plan review on July 17, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS, the Town of Big Flats Department of Planning has provided a staff report dated July 28, 2009 to be forwarded to the applicant as the finding of fact through the preliminary review; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and

made a negative declaration of significant environmental impact, Resolution PB-2008-11; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan stamped by the Town of Big Flats Planning Board July 17, 2009 as a preliminary plan; and

FURTHER RESOLVED, the Town of Big Flats will forward this site plan amendment application to the Chemung County Planning Board for review.

CARRIED: AYES: Esty, Byland, Piersimoni, Younge, Muir and Masler

NAYS: None

Dated: Thursday, August 4, 2009

BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats

Lance Muir

Chairman, Planning Board

Discussion:

Piersimoni asked if the import franchise would want their own service center. Jamie Gensel, of Fagan Engineers said they do not need a bigger building than what is proposed. Further details of the building will be submitted over the winter, with construction beginning next spring.

Masler asked if there had been any recent communication with the Girl Scouts.

Gensel replied no, the new staff has not yet contacted them.

Polzella stated that staff is prepared to send the proposal to the county.

Muir noted that the request to follow up with the Girl Scouts was quite some time ago.

Esty commented on the time taken to build the buildings. He asked if the current traffic flow will be interrupted once construction begins.

Gensel answered no; they will fence the area off and will need to be cognizant of their schedules and deliveries. Simmons will make sure it is free and clear to allow vehicles in and out.

RESOLUTION P-2009-61

Sponsor Zoning Amendment

Resolution by: Byland

Seconded by: Masler

WHEREAS, Town of Big Flats Department of Planning in conjunction with the Town of Big Flats Planning Board have drafted a sign law zoning amendment; and

WHEREAS, Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment; and

WHEREAS, Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements and districts established in the BFZL; and

NOW, THEREFORE BE IT RESOLVED, to make recommendation to the Town of Big Flats Board to Amend the Town of Big Flats Zoning Law as specified in a the draft proposed sign law dated August 6, 2009.

CARRIED: AYES: Esty, Byland, Piersimoni, Younge, Muir and Masler
NAYS: None

Dated: Tuesday, August 4, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Muir stated that everyone has had the opportunity to review the final sign law. Now is the time to discuss any items of concern.

Following tonight's meeting, Polzella would like to forward this draft to the town board for approval, with a public hearing on August 26th.

The board discussed the maximum allowable size for signs in the Town Center as opposed to those in Consumer Square and the Arnot Mall. Residential and occupation signs were also reviewed.

Motion to adjourn at 8:27pm by Muir, seconded by Younge, Discussion, None, Motion Carries 6-0.

Meeting adjourned at 8:28pm.

*Filed with
Town Clerk
09/10/2009*

TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES

SEPTEMBER 1, 2009

6:30PM
TOWN OF BIG FLATS
MEETING ROOM

Members Present: Lance Muir, Angela Piersimoni, Carl Masler, Jim Ormiston, Bob Byland, Scott Esty

Members Absent: Lee Younge

Staff Present: Steve Polzella, Director of Planning, Brenda Belmonte, Secretary

Guest: James Gensel, Don Gaylord

Chair Muir called the meeting to order at 6:30pm, noting member Younge was absent.

MINUTES

August 4, 2009

Motion by Masler, seconded by Byland, to table the minutes of August 4, 2009, in order to make the noted corrections, Discussion, None, Motion Passes 5-0, with Ormiston abstaining.

**RESOLUTION P-2009-62
Simmons Rockwell Colonial Drive
Site Plan Amendment
Tax Parcel 58.01-2-35.11**

Resolution by: Ormiston
Seconded by: Esty

WHEREAS, this Board has received an application for site plan review on July 17, 2009; and

WHEREAS, the Town of Big Flats Planning Board has reviewed the submitted materials in accordance with Chapter 17.32 of the Town of Big Flats Municipal Code; and

WHEREAS, the Town of Big Flats Department of Planning has provided a staff report dated August 25, 2009 to be forwarded to the applicant as the finding of fact through the final review; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board declared themselves as lead agency and found and made a negative declaration of significant environmental impact, Resolution PB-2008-11; and

NOW THEREFORE BE IT RESOLVED, the Town of Big Flats Planning Board accepts the Site Plan stamped by the Town of Big Flats Planning Board August 14, 2009 as a final site plan amendment

CARRIED: AYES: Esty, Byland, Piersimoni, Ormiston, Muir and Masler
NAYS: None

Dated: Thursday, September 1, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Jamie Gensel, Fagan Engineers, noted that the Nissan building was coming along and a franchise announcement will be made soon. Construction for the proposed building will begin in Spring 2010.

Ormiston mentioned that ordinarily there is an outside PA system. If so, he is hopeful it will be directed toward the parking area, and not infringe on The Outback or neighboring residences.

Polzella stated that standard sound limitations will apply.

Gensel will remind the applicant of the boundary noise issues.

The board reviewed and discussed the proposed floor plan. Gensel pointed out that once Verizon removes the pole and wires, the turning area will be sufficient.

RESOLUTION P-2009-63
Stander Variance Referral
Tax Parcel # 47.04-2-25
27 Liberty way

Resolution by: Byland
Seconded by: Masler

WHEREAS, the Town of Big Flats Zoning Board of Appeals Rules of Procedures states all applications for variances shall be immediately referred to the Town of Big Flats Planning Board; and

WHEREAS, the Town of Big Flats Planning Board met and held discussion on the matter of 3 variance requests on September 1, 2009; and

NOW, THEREFORE BE IT RESOLVED, to send this variance request to the Town of Big Flats Zoning Board of Appeals for their determination.

CARRIED: AYES: Piersimoni, Muir, Esty, Byland, Masler, and Ormiston
NAYS: None

Dated: Tuesday, September 1, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella explained that two large sheds were placed on this lot, each without a building permit. The applicant is significantly over allowed lot coverage, as well as setbacks.

Masler questioned the lot coverage cited in the staff report saying he thought that area had decent size lots.

Polzella stated it is 28% coverage. There is a substantial amount of development including a large house, large driveway and now large sheds which add another 3 – 5% coverage.

Muir reiterated that the applicant did not apply for any building permits to build the existing buildings.

Polzella referred to a letter on file from the town assessor, stating aside from having no permit, and no compliance, it is an aesthetic detriment to the community as well as the property itself. Also, the Code officer is concerned that the buildings may not be structurally sound.

Esty has concerns as to where the property lines actually are.

Polzella said it is hard to be exact without a survey. The ZBA can delve into that further if they choose.

Muir explained that if the ZBA grants the variance request, code will need to carry it further with the applicant. He feels we should refer it without a recommendation.

Byland agreed, saying since it was pre-built, it should be referred without recommendation.

Polzella said this is one way the applicant could remedy the code enforcement issue. The application fees are \$250 per request, and there are three separate requests.

Esty again stated his concern with the property line, saying this variance request is on something that is not well defined.

Polzella said the applicant has submitted for the record that he has 2ft. This is just one issue he is trying to remedy. He will still need to address building without a permit and soundness of structure.

Soul Full Cup
Site Plan Deviation

Muir referred to the deviation letter of August 13, 2009.

Motion to adjourn at 7:00pm by Esty, seconded by Piersimoni, Discussion, None, Motion Carries 6-0.

Meeting adjourned at 7:01pm

Town of Big Flats
Department of Planning
476 Maple St., PO Box 449
Big Flats, NY 14814
<http://www.bigflatsny.gov>
spolzella@bigflatsny.gov



Director of Planning:
Stephen J. Polzella, GISP

P (607) 562-8443
F (607) 562-7063

October 13, 2009

The Planning Board meeting of October 6, 2009 was held specifically for members to review the draft zoning update. No further action was taken.

**TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES**

NOVEMBER 3, 2009

**6:30PM
TOWN HALL
MEETING ROOM**

Members Present: Lee Younge, Carl Masler, Jim Ormiston, Lance Muir, Bob Byland

Members Absent: Scott Esty

Staff Present: Stephen Polzella, Planner, Brenda Belmonte, Secretary

Guests: Darrell Johns Jr., Emily Johns, Linda Johns, Darrell L. Johns, Carolyn Welliver, Jerry Welliver

Chair Muir opened the meeting at 6:30pm noting member Scott Esty was absent.

MINUTES

Motion by Younge, seconded by Masler to approve the minutes of August 4, 2009, Discussion, None, Motion Carries 4-0 with Ormiston abstaining.

Motion by Ormiston, seconded by Byland to approve the minutes of September 1, 2009, Discussion, None, Motion Carries 4-0 with Younge abstaining.

The zoning amendment of Section 17.52 (Signs) of the town code was distributed to each board member.

JOHNS SUBDIVISION CONCEPT

Polzella asked if there were any maps available as to location of the well and septic. Emily Johns provided a small map showing those locations.

Muir referred to the staff report, which lists the requirements needed for preliminary approval.

Polzella explained the requirements in detail including an updated survey and a topographic survey. The planning board can decide whether the applicant needs to obtain a licensed land survey topography map, or rely on staff to provide information using county data.

Muir suggested relying on staff rather than requiring the applicant to hire a licensed surveyor.

Details were discussed regarding the driveway, and staff cited concerns as to a right of way shown on the map at the rear of the property.

The applicant explained that is no longer an access. She also asked why the proposed placement of the house is needed when at this time they are only looking to transfer the land to her son.

Polzella explained the requirements, and stated the planning board could waive what they felt was not necessary.

Muir feels the board could waive the requirement for a licensed surveyed topographic map, however the other items should be required. A hand-drawn plat would be sufficient to submit for preliminary.

PLANNING BOARD
2010 MEETING SCHEDULE

RESOLUTION P-2009-64
2010 Meeting Schedule

Resolution by: Masler
Seconded by: Byland

WHEREAS, the Town of Big Flats Department of Planning has provided the Planning Board with an updated Meeting schedule for 2010; and

WHEREAS, this Board reviewed the updated meeting schedule at their regular meeting November 3, 2009; and

NOW, THEREFORE BE IT RESOLVED, for the purposes of SEQRA, this is a Type 2 action not subject to environmental review; and

FURTHER RESOLVED, to approve the 2010 meeting schedule.

CARRIED: AYES: Piersimoni, Masler, Ormiston, Muir, Younge, Byland
NAYS: None

Dated: Tuesday, November 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

STAFFORD SUBDIVISION

RESOLUTION P-2009-65
Stafford Re-subdivision
Tax ID # 66.03-3-29.43
32 Quail Run

Resolution by: Byland
Seconded by: Ormiston

WHEREAS, this Board, as per Town of Big Flats Code 16.04.020-K, has determined that this proposal is a simple alteration of lot lines and is thus deemed a resubdivision; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff, October 29, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration; and

BE IT FURTHER RESOLVED, to waive the normal subdivision procedures as per Town of Big Flats Code 16.04.020-K and grant final subdivision approval subject to the following conditions:

1. Within six (6) months of the date of this Resolution, the applicant shall submit four (4) paper copies and one (1) mylar of the proposed plat, prepared in *final form* for final review by and endorsement by the Director of Planning. This Resolution authorizes only the activities approved herein.
2. The applicant shall file the final signed plat with the Chemung County Clerk within sixty-two (62) days of endorsement and before any realty transaction occurs.

CARRIED: AYES: Piersimoni, Muir, Byland, Masler, Younge, and Ormiston
NAYS: None

Dated: Tuesday, November 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

LOWERY SUBDIVISION

RESOLUTION P-2009-66
Lowery Subdivision
Tax Parcel 76.00-2-68
55 Rodaha Dr.

Resolution by: Younge
Seconded by: Ormiston

WHEREAS, this Board has received an application for subdivision review on October 19, 2009; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for November 3, 2009; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, October 29th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration.

CARRIED: AYES: Piersimoni, Ormiston, Muir, Younge, Byland, Masler
NAYS: None

Dated: Tuesday, November 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

SQUIRES SUBDIVISION

Muir stated that the application is lacking a substantial amount of data. The detailed staff report will be forwarded to Jody Allen who is representing the applicant.

An updated map will be required. Lots need to be reviewed as to what could be approved with the private drive. Limitations due to flood zones and wetlands have been addressed previously.

RESOLUTION P-2009-67 **Referral of Zoning Law Amendments**

Resolution by: Byland
Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Department of Planning, Planning Board and Town Board have drafted a comprehensive zoning amendment; and

WHEREAS, Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment, and

WHEREAS, Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements and districts established in the BFZL, and

WHEREAS, a series of public workshops have been conducted and an open house was held on October 21, 2009, and

WHEREAS, the Town of Big Flats Town Board has scheduled a public hearing for November 18, 2009 at 4:32 pm to receive public comments, and

NOW, BE IT THEREFORE RESOLVED, the Town of Big Flats Planning Board authorizes the Director of Planning to forward this amendment to the Chemung County Planning Board and all adjacent towns and counties for review as required in Section 239-m of the NYS General Municipal Law.

CARRIED: AYES: Masler, Younge, Ormiston, Muir, Piersimoni, Byland
NAYS: None

Dated: Tuesday, November 3, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

MEMBERS COMMENTS

On Tuesday, December 8, 2009, County Planning and staff will offer a 4-hour training at the Community Center.

Zoning amendment booklets were distributed for comments.

Motion by Younge, seconded by Masler to adjourn at 7:33pm, Discussion, None, Motion Carries 5-0.

Meeting adjourned at 7:34pm.

TOWN OF BIG FLATS
PLANNING BOARD
MEETING MINUTES
DECEMBER 1, 2009

*Filed with
Town Clerk
December 9, 2009*

6:30PM
TOWN HALL
MEETING ROOM

MEMBERS PRESENT: Carl Masler, Angela Piersimoni, Bob Byland, Lance Muir

MEMBERS ABSENT: Jim Ormiston, Scott Esty

STAFF: Stephen Polzella, Director of Planning, Thomas Dobrydney, Planner,
Brenda Belmonte, Secretary

GUESTS: Marilyn Brown

Chair Muir opened the meeting at 6:30pm, noting members Jim Ormiston and Scott Esty were absent.

MINUTES

November 3, 2009

Motion by Piersimoni, seconded by Byland to approve the minutes of November 3, 2009, Discussion, None, Motion Carries 4-0.

PUBLIC HEARING

**Lowery Subdivision
Tax Parcel 76.00-2-68
55 Rodaha Dr.**

Chair Muir opened the Public Hearing at 6:32pm.

Speaking For:

Marilyn Brown, 47 Rodaha Drive, is concerned about the drainage. Prior to her selling this property to Mr. Lowery, a pond and a ditch were filled in. Any new development could cause significant water flow to her property.

Polzella said the applicant is subdividing the home from the acreage with no intentions of developing the property at this time. Any future development would require stormwater review.

Speaking Against: None

Public Hearing closed at 6:34pm.

RESOLUTION P-2009-68

Lowery Subdivision

Tax Parcel 76.00-2-68

55 Rodaha Dr.

Resolution by: Piersimoni

Seconded by: Byland

WHEREAS, this Board has received an application for subdivision review on October 19, 2009; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board conducted a Public Hearing on Preliminary Plat on December 1, 2009; and

WHEREAS, the following are finding of fact:

- A. The Subdivision Drawing, dated December 5, 2006 and Revised October 13, 2009, is generally complete and technically adequate
- B. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- C. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will be safe and convenient for travel
- D. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- E. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board found no significant potential adverse environmental impact and therefore issued a Negative Declaration on November 3, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of final endorsement

- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- D. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land

WHEREAS, the following are terms prior to obtaining a building permit for the parent tract:

- A. A drainage study shall be conducted on the property to protect the neighbors from any increased runoff
- B. A driveway permit shall be granted by the Department of Public Works

NOW, BE IT THEREFORE RESOLVED, to grant preliminary and final conditional subdivision approval to Michael G. Lowery, 9 Acorn Lane, Savona, NY 14879.

CARRIED: AYES: Byland, Muir, Piersimoni, Masler
NAYS:

Dated: Tuesday, December 1, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-69
Johns Subdivision
Tax Parcel 47.00-1-49.1
608 Hibbard Rd.

Resolution by: Piersimoni
Seconded by: Byland

WHEREAS, this Board has received an application for subdivision review on October 8, 2009; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plat for January 5, 2010; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617 and the Big Flats Planning Board's uncoordinated review as lead agency; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, November 24th, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby determines, pursuant to the provisions of SEQR 6 NYCRR Part 617, that the proposed Unlisted action will not have a significant effect on the environment and that preparation of an Environmental Impact Statement will not be required, thereby issuing a Negative Declaration, and

FURTHER RESOLVED, to authorize the Director of Planning to forward the Staff Report dated November 24, 2009 to the applicant.

CARRIED: AYES: Piersimoni, Muir, Byland, Masler
NAYS: None

Dated: Tuesday, December 1, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella is concerned as to whether there is an easement for access to the cabin on the neighboring property. Perhaps the lot lines could be adjusted to provide the existing driveway to the cabin.

RESOLUTION P-2009-70
Sponsor Zoning Amendment

Resolution by: Piersimoni
Seconded by: Byland

WHEREAS, Town of Big Flats Department of Planning in conjunction with the Town of Big Flats Planning Board and Town Board have drafted a comprehensive zoning amendment, local law #6 of 2009; and

WHEREAS, Town of Big Flats Municipal Code 17.68.010 provides the Town of Big Flats Town Board an avenue to proceed with a Zoning Amendment; and

WHEREAS, Town of Big Flats Municipal Code 17.68 also permits the Town of Big Flats Planning Board to recommend amending the requirements and districts established in the BFZL; and

WHEREAS, the Town of Big Flats Planning Board has been involved with the adoption of the Town of Big Flats Comprehensive Plan, the Town of Big Flats Town Center Strategic Plan and a number of public meetings to incorporate ideas from previous planning efforts into a comprehensive zoning amendment, and

WHEREAS, the Town of Big Flats Department of Planning has documented the relationship between local law #6 of 2009 and the Town of Big Flats Comprehensive Plan and the Town of Big Flats Town Center Strategic Plan in a memorandum dated May 19, 2009, and

NOW, THEREFORE BE IT RESOLVED, to make recommendation to the Town of Big Flats Board to Amend the Town of Big Flats Zoning Law as specified in local law #6 of 2009.

CARRIED: AYES: Piersimoni, Byland, Muir, Masler
NAYS: None

Dated: Tuesday, December 1, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Members Comments

Lee Younge has submitted a letter resigning as planning board member, effective immediately.

Byland recommended, and the board agreed, that current alternate Dave Seely fill Younge's vacancy.

For the purpose of replacing the alternate, the Director of Planning will advertise in the Star Gazette December 4, 2009 through December 10, 2009. The deadline for applications will be December 11, 2009 at 1:00pm. A special planning board meeting will be held December 16, 2009 at 6:30pm to interview applicants.

Motion to adjourn at 7:24 by Piersimoni, seconded by Byland, Discussion, None, Motion Carries 4-0.

Meeting adjourned at 7:25pm

TOWN OF BIG FLATS
SPECIAL PLANNING BOARD
MEETING MINUTES
DECEMBER 16, 2009

*Filed with
Town Clerk
12/30/2009*

6:30PM
TOWN OF BIG FLATS
MEETING ROOM

Members Present: Lance Muir, Angela Piersimoni, Bob Byland, Scott Esty, Carl Masler

Members Absent: Jim Ormiston

Staff Present: Stephen Polzella, Planner, Thomas Dobrydney, Planner, Brenda Belmonte, Secretary

Guests: Don Gaylord, John Hunter, Elizabeth Gorman, Henry Sira, William Felthousen

Chair Muir called the meeting to order at 6:30pm, noting member Jim Ormiston was absent.

EXECUTIVE SESSION

Chair Muir made a motion, seconded by Piersimoni, to go into Executive Session at 6:32pm to conduct interviews for the Planning Board Alternate position, Discussion, None, Motion Carries 5-0.

**RESOLUTION P-2009-71
Planning Board Alternate Recommendation**

Resolution by: Byland
Seconded by: Piersimoni

WHEREAS, the Town of Big Flats Department of Planning has provided the Planning Board with a list of applicants for the position of planning board alternate; and

WHEREAS, this Board interviewed the candidates at a meeting on December 16, 2009; and

WHEREAS, the board commends all five candidates for their interest to serve the public; and

NOW, THEREFORE BE IT RESOLVED, for the purposes of SEQRA, this is a Type 2 action not subject to environmental review; and

FURTHER RESOLVED, to recommend the Town Board appoint John Hunter as alternate planning board member.

CARRIED: AYES: Piersimoni, Masler, Esty, Muir, Byland
NAYS: None

Dated: Wednesday, December 16, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-72
2010 PUD Fee

Resolution by: Masler
Seconded by: Esty

WHEREAS, the Town of Big Flats Department of Planning has provided the Planning Board with an updated Fee schedule for 2010; and

WHEREAS, this Board reviewed the updated fee schedule at a meeting on December 16, 2009; and

WHEREAS, the only change from the 2009 fee schedule is the addition of a PUD fee of \$150.00;and

NOW, THEREFORE BE IT RESOLVED, for the purposes of SEQRA, this is a Type 2 action not subject to environmental review; and

FURTHER RESOLVED, to approve the 2010 fee schedule.

CARRIED: AYES: Piersimoni, Masler, Esty, Muir, Byland
NAYS: None

Dated: Wednesday, December 16, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

RESOLUTION P-2009-73
County Route 64

Resolution by: Esty
Seconded by: Masler

WHEREAS, the Town of Big Flats Department of Planning and the Planning Board have witnessed continued traffic issues on County Route 64; and

WHEREAS, this Board, at a meeting on December 16, 2009, expressed concern related to traffic safety and congestion; and

NOW, THEREFORE BE IT RESOLVED, for the purposes of SEQRA, this is a Type 2 action not subject to environmental review; and

FURTHER RESOLVED, to recommend the Town Board contact the appropriate Chemung County Departments regarding a solution to these issues.

CARRIED: **AYES:** Piersimoni, Masler, Esty, Muir, Byland
 NAYS: None

Dated: Wednesday, December 16, 2009
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Motion by Byland to adjourn at 9:27pm, seconded by Muir, Discussion, None, Motion Carries 5-0.

Meeting adjourned at 9:28pm